

# **EXHIBIT 4**

<div>Page 1</div> <div>1 UNITED STATES DISTRICT COURT</div> <div>2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA</div> <div>3 - - -</div> <div>4 E.D. :</div> <div>5 v. :</div> <div>6 DANIEL SHARKEY, et al. : NO. 16 CIV. 2750</div> <div>7 July 10, 2017</div> <div>8 - - -</div> <div>9 Oral deposition of JAMIE</div> <div>10 HIMMELBERGER, taken pursuant to notice, was held</div> <div>11 at the Berks County Government Offices, 633</div> <div>12 Court Street, 14th Floor, Reading, Pennsylvania,</div> <div>13 commencing at 1:09 p.m., on the above date,</div> <div>14 before Sherry L. Stills, Court Reporter and</div> <div>15 Notary Public for the Commonwealth of</div> <div>16 Pennsylvania.</div> <div>17 - - -</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22 ESQUIRE DEPOSITION SOLUTIONS</div> <div>23 1835 Market Street</div> <div>24 Suite 2600</div> <div>Philadelphia, Pennsylvania 19103</div> <div>(215) 988-9191</div>	<div>Page 3</div> <div>1 - - -</div> <div>2 I N D E X</div> <div>3 - - -</div> <div>4 Testimony of: JAMIE HIMMELBERGER</div> <div>5 BY MS. YEH 5, 127</div> <div>6 BY MR. JONES 119</div> <div>7 BY MR. CONNELL 123</div> <div>8 - - -</div> <div>9 E X H I B I T S</div> <div>10 - - -</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div>
<div>Page 2</div> <div>1 APPEARANCES:</div> <div>2</div> <div>3 PENNSYLVANIA INSTITUTIONAL LAW PROJECT</div> <div>4 BY: SU MING YEH, ESQUIRE</div> <div>5 718 Arch Street</div> <div>6 Suite 304S</div> <div>7 Philadelphia, Pennsylvania 19106</div> <div>8 (215) 925-2966</div> <div>9 smyeh@pailp.org</div> <div>10 Representing the Plaintiff</div> <div>11</div> <div>12 THE MacMAIN LAW GROUP LLC</div> <div>13 BY: MATTHEW J. CONNELL, ESQUIRE</div> <div>14 TRICIA M. AMBROSE, ESQUIRE</div> <div>15 101 Lindenwood Drive</div> <div>16 Suite 160</div> <div>17 Malvern, Pennsylvania 19355</div> <div>18 (484) 318-7803</div> <div>19 MConnell@macmainlaw.com</div> <div>20 TAmbrose@macmainlaw.com</div> <div>21 Representing all Berks County defendants</div> <div>22 except Daniel Sharkey</div> <div>23</div> <div>24 U.S. DEPARTMENT OF JUSTICE</div> <div>UNITED STATES ATTORNEY'S OFFICE</div> <div>BY: LANDON Y. JONES, ESQUIRE</div> <div>615 Chestnut Street</div> <div>Suite 1250</div> <div>Philadelphia, Pennsylvania 19106</div> <div>(215) 861-8323</div> <div>landon.jones@usdoj.gov</div> <div>Representing the Defendant,</div> <div>Jeremiah Petrey</div> <div>ALSO PRESENT:</div> <div>Christopher Brigante, Intern</div> <div>Diane Edwards</div> <div>David Smith</div> <div>Brittany Rothermel</div> <div>Matthew Malinowski</div>	<div>Page 4</div> <div>1 - - -</div> <div>2 DEPOSITION SUPPORT INDEX</div> <div>3 - - -</div> <div>4</div> <div>5 Direction to Witness Not to Answer</div> <div>6 Page Line Page Line Page Line</div> <div>7 None</div> <div>8</div> <div>9</div> <div>10 Request for Production of Documents</div> <div>11 Page Line Page Line Page Line</div> <div>12 None</div> <div>13</div> <div>14</div> <div>15 Stipulations</div> <div>16 Page Line Page Line Page Line</div> <div>17 5 2-6</div> <div>18</div> <div>19</div> <div>20 Question Marked</div> <div>21 Page Line Page Line Page Line</div> <div>22 None</div> <div>23</div> <div>24</div>

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1           - - -

2       (It is hereby stipulated and agreed by

3 and among counsel that sealing, filing and

4 certification are waived; and that all

5 objections, except as to the form of questions,

6 be reserved until the time of trial.)

7           - - -

8           JAMIE HIMMELBERGER, after having

9 been duly sworn, was examined and testified as

10 follows:

11           - - -

12           EXAMINATION

13           - - -

14 BY MS. YEH:

15       Q.    Good morning -- or good

16 afternoon --

17       A.    Good afternoon.

18       Q.    -- excuse me. Can you please

19 state your name for the record?

20       A.    Jamie Himmelberger.

21       Q.    And can you just spell your name,

22 please?

23       A.    J-A-M-I-E H-I-M-M-E-L-B-E-R-G-E-R.

24       Q.    Have you ever had your deposition

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1 taken before?

2       A.    No.

3       Q.    I'm just going to go through a few

4 ground rules so we are all on the same page. As

5 you can see, everything -- and I should

6 introduce myself. My name is Su Ming Yeh and I

7 represent the plaintiff here, **E.D.**

8 **E.D.** Everything that I say and that you say

9 will taken down by the court reporter here.

10       A.    Uh-huh.

11       Q.    So, I'm going to ask that you make

12 all your responses verbal. Do you understand

13 that?

14       A.    Yes.

15       Q.    So, the court reporter can't take

16 down a shake of the head or a nod of the head.

17 So, I'm going to ask you to say yes, no or

18 whatever you want your response to be.

19       A.    Okay.

20       Q.    And do you understand that you are

21 under oath today?

22       A.    Yes.

23       Q.    And do you understand that means

24 you will be answering my questions truthfully?

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1       A.    Yes.

2       Q.    And if at any point you do not

3 understand a question will you let me know?

4       A.    Yes.

5       Q.    And if at any point you feel that

6 your prior answer was either incomplete or

7 incorrect can you let me know?

8       A.    Yes.

9       Q.    And is there anything preventing

10 you from answering my questions truthfully

11 today?

12       A.    No.

13       Q.    Are you on any medication that

14 might affect your ability to testify today?

15       A.    No.

16           MR. CONNELL: Su Ming, can we go

17 off the record for just one moment?

18           MS. YEH: Yes.

19           - - -

20           (Whereupon, there was an

21 off-the-record discussion.)

22           - - -

23 BY MS. YEH:

24       Q.    Okay. Can you tell me where you

Page 8

1 live generally? Not your specific address,

2 but --

3       A.    Reading, Pennsylvania.

4       Q.    And what is your date of birth?

5       A.    [REDACTED]

6       Q.    And can you describe your

7 educational background?

8       A.    I went to Kutztown University,

9 majored in criminal justice.

10       Q.    And did you receive a Bachelor's?

11       A.    Bachelor's degree.

12       Q.    And was that a Bachelor of arts

13 degree?

14       A.    Bachelor of science.

15       Q.    Of science. Okay. And do you

16 have any other training or education beyond what

17 you just described?

18       A.    No.

19       Q.    And what is your current job or

20 vocation?

21       A.    Shelter care counselor at the

22 Berks County Residential Center.

23       Q.    How long have you worked there?

24       A.    Five years.



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1 Q. Do you remember what year you  
2 started?

3 A. 2012, I believe.

4 Q. What did you do, if anything,  
5 before that?

6 A. I worked at the Berks County  
7 Juvenile Detention Center.

8 Q. Okay. And how long did you work  
9 there?

10 A. One year full time but previous to  
11 that I worked part-time here and there for about  
12 six months.

13 Q. So, do you recall when you started  
14 there?

15 A. 2011.

16 Q. And was that in your full-time  
17 position or was it just generally when you  
18 started?

19 A. That was my full time.

20 Q. Okay. Did you have any jobs  
21 before your position at the juvenile detention  
22 center?

23 A. Nothing major. I mean, I had jobs  
24 here and there in college and high school.

Page 10

1 Q. So, was your job at the juvenile  
2 detention center your first job after college?

3 A. Yes, in my degree of major.

4 Q. Okay. And can you just tell me  
5 what your job title was at the juvenile  
6 detention center?

7 A. Juvenile correctional counselor.

8 Q. And what did that entail?

9 A. Monitoring the juveniles that were  
10 being held there.

11 Q. Okay. And were they held in the  
12 sense that they were not permitted to leave of  
13 their own choice?

14 A. No, they were not permitted to  
15 leave.

16 Q. Okay. And do you know if they  
17 were held for criminal reasons as opposed to  
18 sort of civil or mental health reasons?

19 A. Criminal.

20 Q. Have you ever been sued or been a  
21 defendant in a lawsuit in your professional  
22 capacity?

23 A. No.

24 Q. And do you have any criminal

Page 11

1 convictions?

2 A. No.

3 Q. So, what I'd like to do is I'd  
4 like to focus on your job duties as a shelter  
5 care counselor at Berks.

6 A. Okay.

7 Q. So, can you describe what your  
8 responsibilities are as a shelter care  
9 counselor?

10 A. Keeping the residents safe at all  
11 times, participating in daily activities with  
12 them, helping them with their everyday needs.

13 Q. Okay. So, you said keep the  
14 residents safe. Can you --

15 A. Uh-huh.

16 Q. -- just describe what you mean by  
17 that?

18 A. Making sure they are not hurting  
19 themselves or hurting others.

20 Q. And what about participating in  
21 daily activities?

22 A. It could be sports activities  
23 outside, it could be art activities, it could be  
24 field trips.

Page 12

1 Q. When you say sports -- let's start  
2 with sports. What is your role in that? Are  
3 you coaching them, are you supervising it or are  
4 you making sure it happens?

5 A. We can supervisor or we can play  
6 along with them. If they are playing a soccer  
7 game we can play.

8 Q. And what about the art activities?

9 A. We would just generally facilitate  
10 it.

11 Q. Okay. Are there art teachers who  
12 come in or is it just more that --

13 A. No. I mean, we have volunteers  
14 sometimes that come in and help out, but, yeah,  
15 it's up to us.

16 Q. Okay. You had mentioned sports.  
17 Are those typically played -- where are those  
18 typically played?

19 A. Outside.

20 Q. And what about the art?

21 A. On the activity floor on the  
22 second floor.

23 Q. And, when you say second floor, is  
24 that the floor -- the ground level where you can

Page 13

1 enter the building or is it another floor you  
2 are referring to?  
3 A. It's the floor where you enter.  
4 Q. Okay. So, just for -- to be  
5 clear, the floor where you enter we're going to  
6 refer to as the second floor?  
7 A. Yeah.  
8 Q. Okay. And if you go up one floor  
9 from that --  
10 A. The third floor.  
11 Q. -- that would be the third floor.  
12 Is there a first floor?  
13 A. Yes, but residents don't have  
14 access to that.  
15 Q. Okay. And do staff have access to  
16 that?  
17 A. Yes.  
18 Q. So, is the second floor also  
19 referred to as the A floor?  
20 A. Yes.  
21 Q. And the third floor is referred to  
22 as the B floor?  
23 A. Yes.  
24 Q. Okay. All right. Going back to

Page 14

1 some of the activities you were describing, you  
2 also mentioned field trips?  
3 A. Uh-huh.  
4 Q. Can you describe some of the field  
5 trips? First of all, what are field trips for  
6 the residents?  
7 A. It's just a way for the residents  
8 to get out and do something fun for the day or  
9 for a few hours.  
10 Q. And what kind of field trips are  
11 done?  
12 A. To the park, to Reading Philly  
13 baseball games, to parades, to the mall, to the  
14 pet store. Anything that our recreation  
15 director, recreation coordinator would come up  
16 with.  
17 Q. Who are those field trips designed  
18 for?  
19 A. Kids and adults.  
20 Q. And who typically goes on those  
21 field trips?  
22 A. Staff. Line staff like myself.  
23 Q. Do the supervisors go on the field  
24 trips?

Page 15

1 A. No.  
2 Q. And do the children go on the  
3 field trips?  
4 A. Yes.  
5 Q. And what about the children's  
6 parents?  
7 A. Yes.  
8 Q. Do the children's parents ever go  
9 without their children?  
10 A. If they have older teenage  
11 children that are allowed to roam the facility  
12 without their parents, yes.  
13 Q. You had just stated if the older  
14 children are allowed to roam the facility  
15 without their parents. Can you explain what you  
16 mean by that?  
17 A. I believe the age is ten. If you  
18 are ten or older you are allowed to roam around  
19 the building without a parent supervising you.  
20 If you are under ten you have to be with a  
21 parent at all times.  
22 Q. Okay. Are there any individuals  
23 who are older than ten but are under 18 who  
24 don't have a parent with them?

Page 16

1 A. No.  
2 MR. CONNELL: Wait. Don't have a  
3 parent?  
4 MS. YEH: Living with them at the  
5 facility.  
6 THE WITNESS: We --  
7 MR. CONNELL: Hold on. Hold on.  
8 Can we discuss relevance of that issue?  
9 MS. YEH: I'm sorry. Maybe I  
10 misunderstood her response.  
11 MR. CONNELL: If you want to  
12 clarify. I mean, if there's a question on the  
13 table as to whether there is a juvenile residing  
14 at the facility without an adult family member  
15 present I don't know how that ties into the case  
16 at all.  
17 MS. YEH: Right. I don't think it  
18 does.  
19 MR. CONNELL: And I don't know the  
20 answer to the question.  
21 MS. YEH: Right. I don't think it  
22 does, but maybe I misunderstood her response.  
23 MR. CONNELL: Can we just  
24 rephrase to see where we're at?

<p style="text-align: right;">Page 17</p> <p>1 MS. YEH: Yes.</p> <p>2 BY MS. YEH:</p> <p>3 Q. So, do all children who live there</p> <p>4 have parents with them?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Sorry. I just</p> <p>7 misunderstood.</p> <p>8 Okay. So, what you were</p> <p>9 specifying was that if you are a child, which do</p> <p>10 you mean someone who is under 18?</p> <p>11 A. Yes, you are under 18.</p> <p>12 Q. So, if you were under 18 but you</p> <p>13 are older than ten you are allowed to walk</p> <p>14 around the facility by yourself?</p> <p>15 A. Yes. The parent is there but</p> <p>16 doesn't have to supervise that child at all</p> <p>17 times.</p> <p>18 Q. I understand. So, the parent</p> <p>19 doesn't have to be in the same room with them?</p> <p>20 A. Sure.</p> <p>21 Q. That's what you mean?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. But, if you are under ten,</p> <p>24 then you have to have the parent supervising the</p>	<p style="text-align: right;">Page 19</p> <p>1 the field trips?</p> <p>2 A. There is no signup process. Our</p> <p>3 recreation coordinator, she's the one who puts</p> <p>4 the lists together and she tries to get all the</p> <p>5 kids out in rotation.</p> <p>6 Q. Okay. So, when you say rotation,</p> <p>7 does that mean that not all of the children in</p> <p>8 the facility go the same day?</p> <p>9 A. Sure. I mean, sometimes we have</p> <p>10 like, you know, 30 kids. We have to break them</p> <p>11 up into smaller groups and bring them out, you</p> <p>12 know, one day to the next.</p> <p>13 Q. Okay. Generally how big are the</p> <p>14 groups that you bring out?</p> <p>15 A. They can range from five to</p> <p>16 whatever our bus holds. I think our bus holds</p> <p>17 like maybe -- I want to say ten or 12.</p> <p>18 Q. And is that ten or 12 total people</p> <p>19 including parents?</p> <p>20 A. Well, that would have to include</p> <p>21 staff.</p> <p>22 Q. Okay. Ten or 12 --</p> <p>23 A. So, you would have the driver and</p> <p>24 then you would have to have an extra staff in</p>
<p style="text-align: right;">Page 18</p> <p>1 child at all times, is that what you mean?</p> <p>2 A. Yes. Yes.</p> <p>3 Q. Okay. So, similar I think what</p> <p>4 you were referring to earlier was if they were</p> <p>5 allowed to walk or roam the facility by</p> <p>6 themselves say between the ages of ten to 18</p> <p>7 they are also permitted to go on a field trip by</p> <p>8 themselves?</p> <p>9 A. Yes.</p> <p>10 Q. Sort of comparable to other</p> <p>11 situations. Like if you are an older child you</p> <p>12 might be permitted more independence?</p> <p>13 A. Sure. Yes.</p> <p>14 Q. And does the parent have to</p> <p>15 approve or sign off on their child going on the</p> <p>16 field trip?</p> <p>17 A. Yes.</p> <p>18 Q. And how often do the field trips</p> <p>19 take place?</p> <p>20 A. Weekly.</p> <p>21 Q. Are all residents permitted to</p> <p>22 participate in the field trips?</p> <p>23 A. Yes.</p> <p>24 Q. And what is the signup process for</p>	<p style="text-align: right;">Page 20</p> <p>1 the back to monitor the children. So, that</p> <p>2 would include the staff.</p> <p>3 Q. And how many staff typically</p> <p>4 accompany the residents on the field trips?</p> <p>5 A. Typically it has to be two, but if</p> <p>6 you're taking a bus full you could take a third</p> <p>7 staff.</p> <p>8 Q. Okay. So, you mentioned in terms</p> <p>9 of daily activities sports, art and field trips.</p> <p>10 Are there any other activities?</p> <p>11 A. Helping them with laundry, taking</p> <p>12 them to medical, helping with phone cards.</p> <p>13 Sometimes they don't know how to use a phone</p> <p>14 card if they need to make a phone call. We</p> <p>15 would assist them with their daily routine.</p> <p>16 Q. Okay. So, laundry, medical, phone</p> <p>17 cards, daily routine. Anything else?</p> <p>18 A. I think that's it.</p> <p>19 Q. Okay. I'm going to ask you</p> <p>20 about -- a little bit about each of them.</p> <p>21 A. Okay.</p> <p>22 Q. So, you mentioned the laundry.</p> <p>23 Can you describe what the process is for a</p> <p>24 resident to do laundry?</p>

<p style="text-align: right;">Page 21</p> <p>1 A. There is a laundry sheet that's 2 printed out by the supervisors and they have -- 3 it's usually about three families a day who do 4 their laundry and then, you know, each day it's 5 a different three families. 6 Q. Okay. Now, I know you were 7 sitting in, so some of this might be repetitive, 8 but I just want to confirm since you are a more 9 recent staff person. 10 A. Uh-huh. 11 Q. What was previously marked as 12 Berks County 21. You had mentioned earlier that 13 there's a -- I can't remember the exact word you 14 used, but basically a list? 15 A. Uh-huh. 16 Q. Is this -- looking at this which 17 is titled Berks County Family Residential 18 Program Rooms Nine through 16 Laundry Schedule, 19 is this the schedule for families to do the 20 laundry? 21 A. Yes. 22 Q. And typically where is this 23 posted? 24 A. Outside the laundry room.</p>	<p style="text-align: right;">Page 23</p> <p>1 A. Well, if it's their day they will 2 come to staff, ask staff, hey, it's my day to do 3 laundry. So, then we would -- I would, as staff 4 stand, at the door, let the resident go in, put 5 their laundry into the wash. The resident comes 6 out into the hallway. I go into the laundry 7 room. There is a locked cabinet and I unlock 8 it, I get the soap out. I have to inventory it, 9 lock the cabinet back up and then I put the soap 10 into the laundry dispenser. 11 Q. Okay. You just said that you put 12 the laundry soap in the dispenser. Do you put 13 their clothes in, too, or does the resident do 14 that? 15 A. No. They would put their clothes 16 in. I will just fill the part that pulls out 17 and you put the soap in. I would fill that, and 18 then I start the washer for them. 19 Q. And then what happens after that? 20 A. I leave. I close the door which 21 locks behind me and we wait until the laundry is 22 ready to be changed over. 23 Q. And are the residents permitted to 24 stay in the laundry room with their laundry?</p>
<p style="text-align: right;">Page 22</p> <p>1 Q. And how many laundry rooms are 2 there? 3 A. Two. One in each wing. 4 Q. Are residents assigned a certain 5 laundry room? 6 A. Yes. It depends on if their room 7 is on that side of the wing, that's the side 8 that they would do the laundry on. 9 Q. So, are they assigned the laundry 10 room that's in the wing where their room is? 11 A. Where their room is at, yes. 12 Q. Are they permitted to use the 13 other laundry room? 14 A. If for some reason there was, you 15 know, laundry -- say one family had a family of 16 four or five, things can get backed up and the 17 other side might only have one or two families, 18 sure, we could take the laundry to the other 19 side to keep things moving. 20 Q. Would they seek permission from 21 you to do that? 22 A. Yes. 23 Q. All right. So, could you describe 24 the process of how a resident would do laundry?</p>	<p style="text-align: right;">Page 24</p> <p>1 A. No. 2 Q. And how big is the laundry room? 3 A. Not very big. It's long but 4 narrow, and there's a lot of things stored in 5 there, so there's not really room to move 6 around. 7 Q. Okay. Not really room to stay 8 and -- 9 A. Yeah. There's nowhere to go. You 10 know, it's narrow and long, but -- 11 Q. Okay. And how do either you or 12 the resident know that the laundry is done? 13 A. You can usually either hear at the 14 door. There's a window and you can hear if it's 15 still running or they'll come and ask us to 16 check it. 17 Q. Okay. And, assuming the laundry 18 is done, then what's the next process? 19 A. I open the door with my keys and I 20 let the resident go in and remove their laundry 21 from the washing machine and change it over to 22 the dryer. 23 Q. I'm sorry. Do you do that or does 24 the resident do that?</p>

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1 A. The resident.

2 Q. Okay. And then what happens after

3 that?

4 A. The resident will come out into

5 the hallway and then I will proceed in and turn

6 the dryer on.

7 Q. Okay. At that point would the

8 resident be able to add new laundry?

9 A. Yes. If they had to wash more

10 clothing they could continue by putting more

11 laundry in the washer.

12 Q. Can a new resident come and add

13 laundry at that time?

14 A. If the washing machine is

15 unoccupied, yes, but I wouldn't allow both

16 residents in there at the same time.

17 Q. Okay. So, only one resident is

18 allowed at a time?

19 A. Yes.

20 Q. Is the resident's child allowed

21 the laundry room?

22 A. Yes.

23 Q. So, after let's say the laundry is

24 now in the dryer --

Page 26

1 A. Uh-huh.

2 Q. -- I believe you had said that the

3 resident leaves and you close the door behind

4 you?

5 A. Uh-huh.

6 Q. It's a self-locking door?

7 A. Yes.

8 Q. And then what happens when the

9 laundry is dry?

10 A. Well, either I'll recognize it or

11 the resident will, once again, hear it and then

12 she'll ask me, you know, can we check my wash,

13 and then I'll unlock the door and she'll check

14 to see if it's dry.

15 Q. Who has keys to the laundry room?

16 A. Staff.

17 Q. Do all staff have keys to the

18 laundry room?

19 A. Yes.

20 Q. Are all residents aware that all

21 staff have keys to the laundry room?

22 A. Yes.

23 Q. Does that include the supervisors,

24 as well?

Page 27

1 A. Yes.

2 Q. Do residents have keys to the

3 laundry room?

4 A. No.

5 Q. Are there certain hours that you

6 are allowed in the laundry room or hours that

7 you are allowed or not allowed in the laundry

8 room?

9 A. No.

10 Q. And are there cameras in the

11 laundry room?

12 A. No.

13 Q. If it's not a resident's day to do

14 their laundry, are they permitted to do laundry

15 on a day that's not on their schedule?

16 A. If all the families that are

17 listed are finished with their laundry, yes.

18 Q. And do they have to seek

19 permission to do that?

20 A. Yes.

21 Q. And what's the process of seeking

22 permission?

23 A. There's always staff around, so

24 just approach a staff and ask them, you know,

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1 hey, I have laundry that needs to be done. Can

2 I wash it when everyone else is finished?

3 Q. So, they can ask you verbally?

4 A. Sure.

5 Q. Do they have to fill out a form at

6 all?

7 A. No.

8 Q. You had also -- so, we're going to

9 turn to the next.

10 A. Okay.

11 Q. Did I miss anything about the

12 laundry process?

13 A. No.

14 Q. Oh, I did have one question.

15 MR. CONNELL: Okay. Are we

16 stopping with that first question about didn't

17 miss and going --

18 MS. YEH: I'm actually going back

19 to laundry.

20 MR. CONNELL: Okay.

21 BY MS. YEH:

22 Q. You had stated earlier that there

23 are also supplies in the laundry room?

24 A. Yes.



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1 Q. What type of supplies are there?

2 A. Well, there's locked supplies such

3 as soap, body wash and laundry detergent, but

4 then there's shelving with toothpaste, tooth

5 brushes, sanitary pads, diapers, deodorant, and

6 then there are two sets of washing machines and

7 dryers and a cleaning cart and a mop station.

8 Q. What do you mean by cleaning car?

9 A. Cart.

10 Q. Oh, cart.

11 A. Sorry.

12 Q. So, I believe you said that the

13 soap and those type of things are locked?

14 A. Yeah. Anything that could be --

15 anything that anyone could drink and harm

16 themselves with is locked up like the toxic

17 stuff.

18 Q. And who has the key to that?

19 A. Line staff.

20 Q. Do all line staff have the key to

21 that?

22 A. Well, actually, that is a

23 combination, but all the staff have the

24 combination to that.

Page 30

1 Q. Oh, a combination lock?

2 A. Uh-huh.

3 Q. And do supervisors have the

4 combination lock?

5 A. Yes.

6 Q. But do residents have the

7 combination lock?

8 A. No.

9 Q. The other supplies that you

10 mentioned such as I believe you said diapers,

11 sanitary pads?

12 A. Yeah.

13 Q. Those are not locked?

14 A. No.

15 Q. How are those distributed?

16 A. By request. Verbal request.

17 Q. Is a resident allowed to go in and

18 take it themselves?

19 A. No. They must request it.

20 Q. And how do they make that request?

21 A. Verbally to the staff that's on

22 that floor at that time.

23 Q. And do they need to fill out a

24 form or a slip at all?

Page 31

1 A. No.

2 Q. Are there quotas or a maximum

3 number of items they may request?

4 A. No.

5 Q. Are there certain times of day

6 that they are allowed to make those requests?

7 A. No.

8 Q. So, they can make a request for an

9 item at any point?

10 A. 24 hours a day.

11 Q. So, let's say there is kind of a

12 need in the middle of the night and they need a

13 diaper, for example. May they do that?

14 A. Absolutely, yes.

15 Q. Did I miss anything with respect

16 to the laundry room?

17 A. I don't believe so.

18 Q. Okay. You had mentioned medical.

19 Can you just describe what your role is with

20 that?

21 A. Okay. Every day the medical staff

22 will print out a sheet of people who gets meds

23 and what time. So, it's our job to get the

24 resident and take them back to medical when it's

Page 32

1 time for their appointments if they take

2 medicine or if they have to see the psychologist

3 or social worker.

4 Q. Okay. And I guess what is your

5 role in making sure that all happens?

6 A. I -- I'm basically just -- you

7 know, I go out and get them and bring them back

8 and then let medical know that they are here and

9 then I wait with them.

10 Q. Are the residents allowed in that

11 area by themselves?

12 A. No.

13 Q. So, they must be with a staff

14 member?

15 A. They must be accompanied, yes.

16 Q. Okay. And it sounds like the

17 medical staff are the ones who take care of all

18 the medical services?

19 A. Yeah. I basically -- I'm just the

20 transporter. I find the resident, bring them

21 back, let medical know they are here for their

22 appointment. They wait in the waiting room and

23 I wait until they are finished. And, when

24 residents are no longer in that medical area,

Page 33

1 then I can exit the medical wing.  
 2 Q. All right. And you mentioned  
 3 phone cards, just helping them, making sure they  
 4 can use them; is that right?  
 5 A. Yep.  
 6 Q. Okay. Is there anything else  
 7 during the day that -- in terms of daily  
 8 activities that you are responsible for?  
 9 A. I'm responsible for a lot of  
 10 things but, I mean, that's just a generalization  
 11 of the things. I mean, every day day-to-day  
 12 things are different. What one family may need  
 13 is different from another family.  
 14 Q. And are you responsible for trying  
 15 to meet the needs even if they are different  
 16 needs from one family?  
 17 A. Absolutely, yes.  
 18 Q. So, if you could pull up Berks  
 19 County 19. It's the Second Shift Unit and Duty  
 20 Assignments.  
 21 So, Ms. Taylor had testified  
 22 earlier about the different -- about this  
 23 document as well as the different positions.  
 24 A. Uh-huh.

Page 34

1 Q. So, again, this might be  
 2 repetitive, but since you are a more recent  
 3 employee I'm going ask you to explain some of  
 4 these things, as well.  
 5 So, first can you just explain  
 6 what this document is?  
 7 A. This shows what post I will be  
 8 stationed at from day-to-day.  
 9 Q. Okay. So, if it says Jamie -- for  
 10 example, July 31st it says Jamie for A1 A floor  
 11 cleaning. I'm sorry. Did I do that right?  
 12 A. Yeah.  
 13 Q. Yes, July 31st.  
 14 A. Uh-huh.  
 15 Q. That means that you know that you  
 16 have to --  
 17 A. That I'm -- I'm manning the A1  
 18 post and at the end of the night I have cleaning  
 19 on A floor.  
 20 Q. Okay. And when do you receive  
 21 this schedule?  
 22 A. Well, sometimes its done a few  
 23 days ahead and sometimes the supervisors forget  
 24 to do it and you don't know until you come in

Page 35

1 that day.  
 2 Q. Do you have to do any preparation  
 3 at all for any of these positions ahead of time?  
 4 A. No.  
 5 Q. So, if they give it to you that  
 6 day, you would still be able to perform your  
 7 duties?  
 8 A. Yes.  
 9 Q. And are there ever times when --  
 10 let's say if someone calls out sick, how is that  
 11 managed as far as you know?  
 12 A. Well, then you would take a  
 13 floater because they don't really have a  
 14 specific post and then you would fill in whoever  
 15 is absent with an available floater.  
 16 Q. Okay. All right. So, I just want  
 17 to go through. The first one -- column says B1  
 18 logbook.  
 19 A. Uh-huh.  
 20 Q. Can you describe what that post  
 21 is?  
 22 A. Okay. Well, they are on the B  
 23 floor on the third floor. They maintain the  
 24 logbook. It's basically records of everything

Page 36

1 that goes on that day. When we eat, when free  
 2 movement begins and free movement ends, when  
 3 visitors come in, lawyers come in, social visits  
 4 come in. Everyone who is in the building or  
 5 leaves the building. When reports are written  
 6 they are documented. Any medical records such  
 7 as reports that they would give us, those are  
 8 documented. And then two censuses daily or --  
 9 well, I shouldn't say daily. Two censuses on  
 10 second shift are performed. Those are logged.  
 11 I mean, you have other duties. I  
 12 mean, you -- you make sure that all the keys  
 13 that we carry are accounted for. You are doing  
 14 a lot of answering the phone and logging  
 15 everything in the book.  
 16 Q. Okay. You described -- you used  
 17 the word -- term free movement. Can you explain  
 18 what you mean by that?  
 19 A. Free movement begins at 8:00 a.m.  
 20 and ends at 8:00 p.m. It basically means that  
 21 they are free to move about the building and go  
 22 outside any time between 8:00 and 8:00 except  
 23 for mealtimes.  
 24 Q. When you say outside you mean

<p style="text-align: right;">Page 37</p> <p>1 outside in the yard area?</p> <p>2 A. In the yard area, yes.</p> <p>3 Q. Are they able to move freely in</p> <p>4 the yard area between these hours?</p> <p>5 A. Between the free movement hours,</p> <p>6 yes.</p> <p>7 Q. Okay. And you mentioned the</p> <p>8 mealtimes. When are those meals?</p> <p>9 A. Breakfast is roughly 6:30 to 8:00.</p> <p>10 Lunch is from 12:00 to 1:00, and dinner is 5:30</p> <p>11 to 6:30.</p> <p>12 Q. Okay. And, when the residents</p> <p>13 eat, do the staff supervise them during the</p> <p>14 meals?</p> <p>15 A. Yes.</p> <p>16 Q. So, there is staff accompanying</p> <p>17 the residents in the rooms where the meals are</p> <p>18 given?</p> <p>19 A. Yes.</p> <p>20 Q. And must the residents eat in that</p> <p>21 room?</p> <p>22 A. The dining room, yes.</p> <p>23 Q. Okay. And then where do the staff</p> <p>24 eat?</p>	<p style="text-align: right;">Page 39</p> <p>1 We want to make sure that, you know, everyone is</p> <p>2 up on the B floor, that we left no one outside,</p> <p>3 no one down on A floor.</p> <p>4 Q. Okay. And you had -- it sounds</p> <p>5 like you were clarifying that there might be</p> <p>6 other censuses during the day but --</p> <p>7 A. There is one on first shift. When</p> <p>8 residents wake up and make their way to</p> <p>9 breakfast first shift does a census.</p> <p>10 Q. You had mentioned answering</p> <p>11 phones?</p> <p>12 A. Uh-huh.</p> <p>13 Q. What would that be for?</p> <p>14 A. Outside people calling. It could</p> <p>15 be, you know, people who want to schedule</p> <p>16 visits, it could be people just inquiring about</p> <p>17 people they know that are there, it could be</p> <p>18 other staff members in different parts of the</p> <p>19 building, especially the A1 person. They are</p> <p>20 responsible for answering the door if there are</p> <p>21 any visitors. So, if there is a lawyer or a</p> <p>22 family visits, they would collect the names and</p> <p>23 call me and give me the names and I would have</p> <p>24 to log it in the logbook.</p>
<p style="text-align: right;">Page 38</p> <p>1 A. In the dining room, as well.</p> <p>2 Q. Is there a staff area in the</p> <p>3 dining room?</p> <p>4 A. No. We all eat together.</p> <p>5 Q. I'm sorry. Could you just</p> <p>6 clarify? Do the staff all eat together or do</p> <p>7 the staff eat with the residents?</p> <p>8 A. The staff eat with the residents</p> <p>9 together.</p> <p>10 Q. Okay. Do you have to eat the same</p> <p>11 food as the residents also?</p> <p>12 A. You don't have to, but many of us</p> <p>13 do.</p> <p>14 Q. Okay. You mentioned that there</p> <p>15 are two censuses on the second shift?</p> <p>16 A. Uh-huh.</p> <p>17 Q. What do you mean by that?</p> <p>18 A. Well, the first one is conducted,</p> <p>19 I believe, around 3 o'clock when the kids get</p> <p>20 out of school. And the second one is done at 8</p> <p>21 o'clock when everyone comes up from free</p> <p>22 movement. It's basically making sure that</p> <p>23 everyone is accounted for and that we didn't</p> <p>24 leave behind, especially the one at 8 o'clock.</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. So, there's a phone also at the</p> <p>2 desk?</p> <p>3 A. At the desk, the B1 desk, yes.</p> <p>4 Q. Like a regular phone, not just a</p> <p>5 walkie-talkie?</p> <p>6 A. No, it's a regular phone.</p> <p>7 Q. Okay. So, going to B2 kitchen</p> <p>8 cleanup.</p> <p>9 A. Uh-huh.</p> <p>10 Q. What are those responsibilities?</p> <p>11 A. B2 is kind of just the assistant</p> <p>12 of B1 because, obviously, B1 has a lot of</p> <p>13 responsibilities with the logbook. So, B2 helps</p> <p>14 out with 15-minute sweeps and assisting</p> <p>15 residents with whatever they may need out of the</p> <p>16 laundry room. Yep. They're just there to help</p> <p>17 out.</p> <p>18 Q. Okay. Is the person on the B1</p> <p>19 post supposed to stay at the desk?</p> <p>20 A. Yeah. I mean, other than doing</p> <p>21 15-minute sweeps down the hallway you're</p> <p>22 generally at the desk.</p> <p>23 Q. The 15-minute sweeps, is that</p> <p>24 conducted by both of those individuals, B1 and</p>

<p style="text-align: right;">Page 41</p> <p>1 B2?</p> <p>2 A. Yeah, as long as they are done,</p> <p>3 either B1 or B2 can do them.</p> <p>4 Q. Okay. How many people do the</p> <p>5 15-minute sweep at a time?</p> <p>6 A. It would be one person at a time.</p> <p>7 Q. Okay. So, that's not both? It's</p> <p>8 not that both staff members are doing it</p> <p>9 together?</p> <p>10 A. No.</p> <p>11 Q. But one person does it?</p> <p>12 A. Yeah. One person would do it and</p> <p>13 one person would stay at the desk so that they</p> <p>14 could monitor what's going on in the dayroom.</p> <p>15 Q. Does the B2 have any -- post have</p> <p>16 any other responsibilities?</p> <p>17 A. Other than this kitchen cleanup,</p> <p>18 no.</p> <p>19 Q. And when does the kitchen cleanup</p> <p>20 take place?</p> <p>21 A. After residents have finished</p> <p>22 their meals.</p> <p>23 Q. Is that after each of them -- so,</p> <p>24 this is the second shift?</p>	<p style="text-align: right;">Page 43</p> <p>1 shift there's not as many visitors as there are</p> <p>2 during the day. So, you might not need the A1</p> <p>3 as much. So, they would assist on the A floor</p> <p>4 desk on the second floor.</p> <p>5 Q. And when you say desk, is that</p> <p>6 desk located in the dayroom?</p> <p>7 A. Yes.</p> <p>8 Q. Are you able -- from that desk are</p> <p>9 you able to see the front entrance or the --</p> <p>10 A. No. I mean, you can see some --</p> <p>11 some ways down the hallway, but you cannot see</p> <p>12 all the way down, and you can't see the front</p> <p>13 door, no.</p> <p>14 Q. Okay. Aside from the duties of</p> <p>15 answering the door and generally staying at the</p> <p>16 desk, are there any other specific</p> <p>17 responsibilities for that post?</p> <p>18 A. 15-minute sweeps.</p> <p>19 Q. And where are those sweeps</p> <p>20 conducted?</p> <p>21 A. Down the wings, east and west</p> <p>22 wing, and down the long hallway towards the</p> <p>23 front door.</p> <p>24 Q. And during those sweeps does the</p>
<p style="text-align: right;">Page 42</p> <p>1 A. Uh-huh.</p> <p>2 Q. Would it just be for dinner for</p> <p>3 that shift?</p> <p>4 A. Yeah. This would be the dinner</p> <p>5 shift.</p> <p>6 Q. Okay. So, going to A1 and A floor</p> <p>7 cleaning, can you describe the responsibilities</p> <p>8 of that post?</p> <p>9 A. Of A1?</p> <p>10 Q. Yes.</p> <p>11 A. Like I said, A1 basically answers</p> <p>12 the front door if there are any visitors or, you</p> <p>13 know, UPS comes by to drop off packages. We let</p> <p>14 lawyers in, family visitors in, things like</p> <p>15 that.</p> <p>16 Q. Is the A1 post located in any --</p> <p>17 you know, like, for example, we discussed</p> <p>18 earlier -- you had said that B1 typically is at</p> <p>19 the desk?</p> <p>20 A. Yeah.</p> <p>21 Q. What about the A1 post?</p> <p>22 A. Well, A1 would stay around the</p> <p>23 desk area helping out A2 and A3 as long as there</p> <p>24 was no one at the door. So, typically on second</p>	<p style="text-align: right;">Page 44</p> <p>1 staff person go into the rooms?</p> <p>2 A. You step in and check and make</p> <p>3 sure you can see around the corners.</p> <p>4 Q. Okay. And, again, on the A floor</p> <p>5 are those conducted each staff member at a time</p> <p>6 one-by-one as opposed to doing it together with</p> <p>7 another staff member?</p> <p>8 A. Yeah, you would do it by yourself.</p> <p>9 Q. All right. So, let's turn to A2</p> <p>10 and A3.</p> <p>11 A. Okay. A2 and A3, they basically</p> <p>12 monitor the activities that are going on on A</p> <p>13 floor. They do 15-minute sweeps sweeping the</p> <p>14 halls. They run activities. That's basically</p> <p>15 our activity floor. We have, you know, the art</p> <p>16 room, exercise room, there could be movies going</p> <p>17 on, there's a chapel. It's mainly in the</p> <p>18 dayroom and the east wing. Our west wing is the</p> <p>19 classrooms and, when they are not being</p> <p>20 occupied, they are locked.</p> <p>21 Q. The rooms themselves or the</p> <p>22 hallway is locked?</p> <p>23 A. The rooms themselves. The</p> <p>24 classrooms.</p>

<p style="text-align: right;">Page 45</p> <p>1 Q. Okay. So, turning to M1 and 2 clothing closet/trash, what are the job duties 3 for that post? 4 A. Well, that's the medical unit. 5 So, you would get a sheet with all the 6 appointments and the people who get medications, 7 and you would be responsible for transporting 8 the people back there because it's in a locked 9 area. So, you would need a staff with keys and 10 you bring them to their appointment. There's a 11 clothing closet back there, so you would monitor 12 them in the clothing closet. 13 Q. So, this is similar to what you 14 discussed earlier in terms of when we discussed 15 responsibilities with respect to medical -- 16 A. Yes. 17 Q. -- and things like that for this 18 post? 19 A. Yep, that's it. 20 Q. Okay. And the next line says 21 floater and then below it says school? 22 A. Yep. 23 Q. And what are the responsibilities 24 of the floater?</p>	<p style="text-align: right;">Page 47</p> <p>1 facility? 2 A. Yes. 3 Q. And do you recall in 2014 if there 4 was more of one than the other? 5 A. I think back then typically it was 6 more women than men. 7 Q. Has that changed? 8 A. Yeah. We have way more men now 9 than we have women. 10 Q. Okay. The last column says 11 outside and it also says serve? 12 A. Uh-huh. 13 Q. Can you describe what that post 14 requires? 15 A. Outside post basically sits and 16 waits at the outside door, the door that leads 17 out into the outside recreation area, and they 18 wait until a resident or family comes down who 19 would like to go outside. And then, if a family 20 does come down or someone comes down, you would 21 accompany them outside. 22 Q. And would you be the only staff 23 person outside with them? 24 A. Sometimes.</p>
<p style="text-align: right;">Page 46</p> <p>1 A. So, when we start at 2:30 school 2 is still going on for -- I think it ends at 3:00 3 or 3:15. So, you head right to school and you 4 help out in the classrooms until school is over. 5 And then you would come out to the floor and 6 help where needed. You would help with breaks, 7 fill in for people so they could take their 8 break. If we had admissions usually the 9 floaters would facilitate admissions or 10 discharges. 11 Q. Okay. In terms of that is there a 12 separate staff who takes care of intake or 13 admissions, or is it always -- 14 A. It's -- 15 Q. -- the shelter care counselors? 16 A. It's shelter care counselors. 17 Q. And would it always be one of 18 these people listed here? 19 A. It's whoever is on and available, 20 usually a floater. But if it's a female adult, 21 it would be a female staff. And, likewise, if 22 it was a male adult, it would be a male staff. 23 Q. Okay. Just to clarify, there are 24 both male and female residents who are at the</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. Are there any job posts that are 2 not reflected on any of these columns that you 3 ever had as a shelter care counselor? 4 A. No. 5 Q. So, this would be a complete 6 reflection of jobs you would have had on second 7 shift? 8 A. Yes. 9 Q. If -- if a staff member is 10 assigned to let's say the B floor, do they 11 typically stay at B floor at least until the 12 free movement time is finished? 13 A. Yes. 14 Q. And similarly with the A floor, do 15 they stay on the A floor? 16 A. Yes. 17 Q. We had mentioned or I believe you 18 had used the word supervisors. Can you just 19 explain what you mean by supervisors? 20 A. They are my boss. They -- they 21 are there to supervise to make sure that I'm 22 doing what I'm supposed to be doing. 23 Q. And how many supervisors do you 24 have?</p>

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1 A. At that time?

2 Q. Yes.

3 A. Two.

4 Q. And do you remember who they were?

5 A. Len Kopetsky and Jason Mills.

6 Q. When you were on the second shift

7 did they have the same shift? Like did they

8 have matching shifts as the staff? For example,

9 do the supervisors also work like 2:30 to 10:30

10 or did they have a separate shift?

11 A. I don't understand the question.

12 Q. So, for example, in some

13 facilities the supervisors might work like a

14 9:00 to 5:00 job, and so the shifts don't

15 exactly correspond. Did Jason Mills and Len

16 Kopetsky also -- when you started at 2:30, did

17 they also start at 2:30?

18 A. Yes.

19 Q. And then they were present through

20 the end of the shift?

21 A. Yes, same hours.

22 Q. And generally what would you --

23 how would they supervise you? Were they present

24 or was it more so you would go to them on an as

Page 50

1 needed basis?

2 A. Well, they would be in the office

3 doing paperwork and things of that nature, but

4 they would come out every once in a while and do

5 their rounds around the floor. Check out all

6 the different posts, make sure everything was

7 going smoothly.

8 Q. And how would you contact them if

9 for some reason you need to?

10 A. Either with the phone at the desk

11 or the radio that we keep on our hip.

12 Q. And what would be reasons why you

13 would need to contact a supervisor?

14 A. If I have a question or an issue

15 arises, if there's an emergency or maybe if a

16 resident had a complaint or a request that I

17 could not fulfill without getting permission

18 first.

19 Q. And at least back in 2014 did you

20 find the supervisors to be accessible?

21 A. Yes.

22 Q. Did the supervisor -- to your

23 knowledge, were the supervisors the ones who

24 made the assignments here?

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1 A. Yes.

2 Q. Were there ever times when you

3 were short staffed?

4 A. If we were, then there was

5 mandatory overtime. So, if we were short

6 staffed, a first shifter would be mandated to

7 work with us on second.

8 Q. Did it ever happen in the reverse,

9 if you were mandated to work -- let's say you

10 were on second shift, you would be mandated to

11 work on third shift?

12 A. I was mandated to third shift many

13 a times.

14 Q. Okay. You had talked about

15 15-minute sweeps, and this is -- I'm going to

16 pull up Berks County 20. Earlier Miss Taylor

17 had testified that when room checks were

18 conducted at least after 8 o'clock that would be

19 documented. Is that your experience?

20 A. Yes.

21 Q. So, similarly, you might conduct

22 room sweeps at earlier times but they would not

23 be marked down?

24 A. Yes.

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1 Q. But then after 8 o'clock or so you

2 would start making notations in the log?

3 A. 8:30, yes.

4 Q. 8:30? Okay. So, if you can just

5 turn to the third page of this document. On the

6 bottom it says Berks 02907.

7 A. Yes.

8 Q. So, just to confirm, what is this

9 document?

10 A. Resident room check sheet. It's

11 the document you would sign off on after you

12 have conducted your room check.

13 Q. And have you seen this type of

14 document before?

15 A. Yes.

16 Q. And do you have to fill out this

17 document on a regular basis?

18 A. When you're working second or

19 third shift, yes.

20 Q. Okay. Looking at this page, in

21 the middle section --

22 A. Uh-huh.

23 Q. -- there's a series of boxes. The

24 date is listed as August 13th, 2014.

<p style="text-align: right;">Page 53</p> <p>1 A. Uh-huh.</p> <p>2 Q. And then on the bottom it says</p> <p>3 employee names (printed) and one of the names</p> <p>4 says Jamie?</p> <p>5 A. Yes.</p> <p>6 Q. Is that you?</p> <p>7 A. Yes.</p> <p>8 Q. Did you write that or did someone</p> <p>9 else write that?</p> <p>10 A. I wrote that.</p> <p>11 Q. And is your signature or are your</p> <p>12 initials anywhere else on this page?</p> <p>13 A. Yes.</p> <p>14 Q. Can you indicate where or describe</p> <p>15 where?</p> <p>16 A. 8:30, 8:45, 9:00, 9:15, 9:30,</p> <p>17 10:00 and 10:15.</p> <p>18 MR. CONNELL: What date?</p> <p>19 THE WITNESS: 8/13/14.</p> <p>20 MR. CONNELL: Thank you. I'm</p> <p>21 sorry. I just wanted to make sure we're on the</p> <p>22 page to look later.</p> <p>23 BY MS. YEHL:</p> <p>24 Q. And what does that indicate?</p>	<p style="text-align: right;">Page 55</p> <p>1 and then the female staff sign on the right</p> <p>2 side.</p> <p>3 Q. So, it looks like from 8:30 to</p> <p>4 9:15 you are the only individual conducting the</p> <p>5 room checks?</p> <p>6 A. Yes.</p> <p>7 Q. And then from 9:30 on it appears</p> <p>8 that two staff members are conducting room</p> <p>9 checks. Am I reading that right?</p> <p>10 A. Yes.</p> <p>11 Q. And then if it's on both sides</p> <p>12 does that mean that there was a male staff</p> <p>13 member conducting room checks and a female staff</p> <p>14 member conducting room checks?</p> <p>15 A. Yes. This indicates that there</p> <p>16 was no male adults with infant children, so</p> <p>17 there was no need for 15-minute room checks to</p> <p>18 be done until 9:30.</p> <p>19 Q. Okay. So, just explain the reason</p> <p>20 for that.</p> <p>21 A. Okay. So, 8:30 we start with</p> <p>22 infant bedtime. It was only females who had</p> <p>23 infants. So, I was the only one performing</p> <p>24 checks. The males didn't have to start checks</p>
<p style="text-align: right;">Page 54</p> <p>1 A. That indicates that those were the</p> <p>2 15-minute checks that I did. The 9:45 I was on</p> <p>3 break. So, Rebecca filled in and did my</p> <p>4 15-minute check for me.</p> <p>5 Q. Okay. And is your -- are your</p> <p>6 initials anywhere else on the page?</p> <p>7 A. No.</p> <p>8 Q. Okay. And so I have to apologize</p> <p>9 because sometimes it's hard to read people's</p> <p>10 handwriting. It looks like other boxes are</p> <p>11 initialed but you are saying that they are not</p> <p>12 your initials?</p> <p>13 A. Correct. The initials next to</p> <p>14 like -- so, the males are initialing -- they're</p> <p>15 initialing on the left. The females are</p> <p>16 initialing on the right.</p> <p>17 Q. Oh, male staff?</p> <p>18 A. Yes.</p> <p>19 Q. And is that always how you fill</p> <p>20 out the form?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. The male staff would sign</p> <p>23 on the left part of the box?</p> <p>24 A. Yeah, and then there's that slash</p>	<p style="text-align: right;">Page 56</p> <p>1 until 9:30 because that's when juveniles -- all</p> <p>2 juveniles have to go to bed on a school night --</p> <p>3 wait. No. A weekend. I'm sorry. Weekends</p> <p>4 they're allowed to stay up until 9:30. A school</p> <p>5 night they have to be in bed at 9:00. So, I'm</p> <p>6 assuming this was either -- yeah, a weekend.</p> <p>7 So, then once all the juveniles are in their</p> <p>8 rooms, then the males have to start doing</p> <p>9 checks, as well.</p> <p>10 Q. Okay. And do the adults have a</p> <p>11 bedtime?</p> <p>12 A. No.</p> <p>13 Q. Must the adults stay on the B</p> <p>14 floor between 8:00 p.m. through 8:00 a.m.?</p> <p>15 A. Yes.</p> <p>16 Q. Do they have to stay in the room?</p> <p>17 A. No.</p> <p>18 Q. Are they allowed to go to the</p> <p>19 dayroom?</p> <p>20 A. Yes.</p> <p>21 Q. So, if -- strike that.</p> <p>22 With respect to the rooms for the</p> <p>23 residents --</p> <p>24 A. Uh-huh.</p>

<p style="text-align: right;">Page 57</p> <p>1 Q. -- how many residents are in each 2 room give or -- if there's a maximum or a 3 minimum number? 4 A. Six is the maximum. 5 Q. And must all the residents be of 6 the same gender? 7 A. Yes. 8 Q. I should say all adult residents 9 must be the same gender? 10 A. Yes. 11 Q. The children might be of different 12 genders? 13 A. Yes. 14 Q. When you conduct the room checks 15 do you go into the room? 16 A. You are to open the door and -- 17 well, at night we have a flashlight. So, you're 18 to open the door, step in, look around the 19 corner and shine the flashlight either on the 20 floor or the ceiling and make sure that they are 21 breathing and in good condition. 22 Q. Okay. And then at least for the 23 second shift do you have to conduct those room 24 checks all through the end of the shift?</p>	<p style="text-align: right;">Page 59</p> <p>1 A. Yes. 2 Q. And what was the most common 3 language that was spoken? 4 A. Spanish. 5 Q. And you know if you are able to -- 6 would you say most of the residents spoke 7 Spanish or were coming from Spanish-speaking 8 countries? 9 MR. CONNELL: I'm going to object 10 to the form of the question as being vague. You 11 can answer if you understand. 12 THE WITNESS: The main language 13 was Spanish, yes. 14 BY MS. YEH: 15 Q. And did those residents speak 16 English? 17 A. If any of them did, very little. 18 Q. And do you speak Spanish? 19 A. No. I know some vocabulary that I 20 have picked up along the way, but I can't 21 converse (ph) in Spanish, no. 22 Q. How do you communicate, then, with 23 the residents? 24 A. If they need something from me,</p>
<p style="text-align: right;">Page 58</p> <p>1 A. Yeah. They continue -- third 2 shift will continue them throughout the night. 3 Q. Okay. And are you allowed to 4 enter a room where the residents are of an 5 opposite gender as you? 6 A. No. 7 Q. And at night let's say a parent 8 has a resident child who is under the age of 9 ten, must they stay with their child all night 10 with them? 11 A. No. Once the child is asleep they 12 may come back out and watch TV in the dayroom, 13 use the law library, use the telephone room. 14 There's a kitchenette. 15 Q. So, as long as they stay on the B 16 floor they are allowed to use the other 17 resources, if you will? 18 A. Yes. 19 Q. At the time in 2014 do you recall 20 predominantly what language did they speak? 21 A. Spanish. 22 Q. Do you know if there are other 23 people who spoke other languages there at that 24 time?</p>	<p style="text-align: right;">Page 60</p> <p>1 usually I know like toothbrush or laundry, those 2 kind of simple things. If it's a bigger issue 3 or concern then I would take them to language 4 services. 5 Q. Earlier we had talked about, for 6 example, the laundry process and getting 7 supplies. How would you communicate with the 8 residents -- let's say a resident wanted to do 9 their laundry. How would that work? 10 A. Well, I know the word for laundry. 11 So, I mean, lavanderia. You know, I have picked 12 up a lot of simple stuff along the way. So, 13 like the daily needs I can help that or they'll, 14 you know, point to what they need. Hey, help 15 me. Okay. What do you need? And then we'll 16 go -- you know, they will say in here, the 17 laundry room. Okay. You need to do laundry, 18 that kind of thing. But if it's an issue or a 19 problem that I don't understand, I would go to 20 language services. If it's something that is -- 21 you know, say I come to a mom and say your child 22 is on a trip today, do you give permission for 23 them to go on that trip and, you know, she 24 doesn't understand me, I could take her to the</p>



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1 computer where we have internet for them. It's  
 2 their own internet cafe. And I could get on  
 3 Google Translate and put it in there. Hi. You  
 4 know, your child is supposed to go on a trip  
 5 today. We're going to the mall. Is that okay?  
 6 Do you give us your consent? Can you sign this  
 7 form for me? Simple stuff like that. But if  
 8 it's a serious issue or problem, then I would  
 9 use language services.  
 10 Q. Okay. You mentioned the computer  
 11 bank?  
 12 A. Uh-huh.  
 13 Q. Back in 2014, where was that  
 14 located?  
 15 A. I believe -- well, they started  
 16 out in what was the library, and then they were  
 17 moved to -- or wait. Hold on. I'm trying to  
 18 think now. They were moved around quite a lot.  
 19 I think they went from the library to the --  
 20 what is now the case workers' office, and now  
 21 they are on the A floor at the dayroom.  
 22 Q. All right. And by any chance do  
 23 you remember when they were moved from the  
 24 library to the case workers' office?

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1 A. I do not.  
 2 Q. Okay. So, when you described the  
 3 process of using the internet to translate --  
 4 A. Uh-huh.  
 5 Q. -- is that something you did -- is  
 6 that something you do now?  
 7 A. Yeah, every once in a while if  
 8 it's an issue of non-importance.  
 9 Q. Okay. And do you recall if you  
 10 did that in 2014?  
 11 A. I may have. I'm not -- I mean, I  
 12 don't recall.  
 13 Q. Okay. And you had noted that if  
 14 it's something a little more serious then you  
 15 would use language services?  
 16 A. Yes.  
 17 Q. Can you describe the process of  
 18 how you would use that?  
 19 A. You would locate a language  
 20 services form. You would go into the interview  
 21 room which was located on A floor at the desk,  
 22 like right next to the desk. There's just  
 23 basically a table, a phone and some chairs.  
 24 Dial the number. They would ask you what

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1 language you need. You tell them. They will  
 2 give you an interpreter number and hook you up  
 3 with the interpreter. And then you would have  
 4 it on speaker so I could speak in and then the  
 5 interpreter could reply back to the resident and  
 6 then you would fill in the start and end time.  
 7 There's two pieces of paper to the  
 8 form. There is a white copy and a yellow copy,  
 9 and they both go to the case worker. And one  
 10 goes into the resident's file and I guess the  
 11 other goes to whoever pays the bill for the  
 12 services.  
 13 Q. And are there any staff who speak  
 14 Spanish?  
 15 A. Yeah.  
 16 Q. And would you be able to utilize  
 17 their interpretation services?  
 18 A. I would say if it was something  
 19 that wasn't a serious issue, yes. But, like I  
 20 said, I mean, until Brittany started as a  
 21 translator it was just people who knew more than  
 22 I did but weren't fluent, either. So, I mean, I  
 23 would only rely on them if it was something  
 24 small.

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1 Q. Okay. So, it sounds like at least  
 2 until Brittany started, if it was something --  
 3 it sounded like there was a little bit of  
 4 language -- ability to speak other languages by  
 5 staff members, but if anything was serious you  
 6 would still utilize language services?  
 7 A. Yes.  
 8 Q. Okay. All right. And in  
 9 performing your, you know, various duties on  
 10 your posts --  
 11 A. Uh-huh.  
 12 Q. -- how much interaction do you  
 13 have with other staff members?  
 14 A. You don't have a lot of  
 15 interaction. I mean, sometimes you could be put  
 16 on a -- you know, a trip together or you would  
 17 facilitate an activity together, but when you're  
 18 on the floor we are not -- we are not allowed to  
 19 group up. We are to spread out and monitor all  
 20 areas of the building. We're not allowed to  
 21 congregate and, you know, chitchat and hang out.  
 22 I mean, we're there to do a job, so we spread  
 23 out and monitor different areas.  
 24 Q. Okay. So, that way you can sort

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1 of spread out your supervision, if you will?

2 A. Yes.

3 Q. And if you are on the same floor,

4 let's say you are both on the B floor --

5 A. Okay.

6 Q. -- would you interact with that

7 staff member more frequently or more often than

8 you would -- on that shift than presumably if

9 someone else was on a different floor?

10 A. Yeah. B floor is smaller. You

11 have less area to cover. So, yes. And you have

12 to communicate with the person who has the

13 logbook a lot more. A floor there's more ground

14 to cover. It's a bigger area. So, yeah.

15 Q. Okay. And are there cameras in

16 the facility?

17 A. Yes.

18 Q. And they are video cameras?

19 A. Yes.

20 Q. And are you aware of where they

21 are located?

22 A. Yes.

23 Q. Are there cameras, for example, in

24 the dayroom?

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1 A. Yes.

2 Q. And can you describe where else

3 the cameras are located?

4 A. Hallways, outside, in the medical

5 unit, in the dining room.

6 Q. Okay. Are there cameras in the

7 residents' rooms?

8 A. No.

9 Q. What about the bathrooms?

10 A. No.

11 Q. The laundry room?

12 A. No.

13 Q. Dining room?

14 A. Yes.

15 Q. And you mentioned the hallways.

16 Does that also include, for example, the area

17 where -- the hallway that leads to the door to

18 the outside?

19 A. Yes. Also in the visitation room.

20 Q. There's a camera?

21 A. Uh-huh.

22 Q. Okay. And do you have the ability

23 to view those videos?

24 A. No.

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1 Q. And do you know who does have

2 access to those videos?

3 A. Supervisors and management.

4 Q. And are they viewing those videos

5 simultaneously as things occur, or they have the

6 ability to review them at some other point?

7 A. They have the ability to review

8 them when they need to.

9 Q. Okay. So, I'm going to ask you a

10 little bit about the training that you received.

11 A. Okay.

12 Q. And so I understand that you

13 started first at the juvenile detention

14 center --

15 A. Yes.

16 Q. -- I believe is what you called

17 it?

18 A. Yes.

19 Q. At that time were you a Berks

20 County employee?

21 A. Yes.

22 Q. Okay. And currently you're a

23 Berks County employee?

24 A. Yes.

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1 Q. So, when you first started as a

2 Berks County employee did you receive training?

3 A. Yes.

4 Q. And then when you started again as

5 a shelter care counselor at the Berks County

6 Residential Center did you receive training?

7 A. Yes.

8 Q. Can you describe for me the

9 training that you received as a shelter care

10 counselor?

11 A. Sure. Safe crisis management and

12 CPR, first aid, SAAPI procedures, all of our

13 policies and procedures in our standard --

14 standard operating procedures. I mean, there's

15 a lot of them. Communicable diseases, human

16 trafficking.

17 Q. Approximately -- that's fine. I

18 understand there are a lot of different

19 topics --

20 A. Yeah.

21 Q. -- and you may not remember

22 everything.

23 A. Yes.

24 Q. Do you recall how long the



<p style="text-align: right;">Page 69</p> <p>1 training took when you first started?</p> <p>2 A. It's -- I believe it's about 40</p> <p>3 hours of training that we get per year.</p> <p>4 Q. And was the training conducted at</p> <p>5 the facility or off site somewhere?</p> <p>6 A. At the facility.</p> <p>7 Q. And do you remember getting any</p> <p>8 training on sexual abuse or sexual harassment?</p> <p>9 A. Yes.</p> <p>10 Q. Do you by any chance have any</p> <p>11 responsibility in developing that training?</p> <p>12 A. No.</p> <p>13 Q. Do you conduct the training?</p> <p>14 A. No.</p> <p>15 Q. Okay. And who conducts the</p> <p>16 training?</p> <p>17 A. The trainers.</p> <p>18 Q. And who are the trainers?</p> <p>19 A. The names?</p> <p>20 Q. Sure.</p> <p>21 A. Okay.</p> <p>22 Q. If you remember.</p> <p>23 A. Sure. Jason Mills was a trainer</p> <p>24 at the time. Brandon Witmer and Corby -- Jason</p>	<p style="text-align: right;">Page 71</p> <p>1 showed on the screen during the training?</p> <p>2 A. Yes.</p> <p>3 Q. And did you end up saving copies</p> <p>4 of that?</p> <p>5 A. Did I save copies of it?</p> <p>6 Q. Or did you -- did they give you</p> <p>7 copies or materials of other types?</p> <p>8 A. I'm sure that they did but, I</p> <p>9 mean, if I wanted a copy, they are available. I</p> <p>10 could get any of the trainings.</p> <p>11 Q. Okay. And do you remember at all</p> <p>12 if during the training there was any like</p> <p>13 discussion amongst the trainees? For example,</p> <p>14 facilitated discussions by the trainers?</p> <p>15 MR. CONNELL: Object to the</p> <p>16 question being vague.</p> <p>17 MS. YEH: Sure. I can further</p> <p>18 clarify if you would like.</p> <p>19 MR. CONNELL: Thank you.</p> <p>20 BY MS. YEH:</p> <p>21 Q. In terms of the training you had</p> <p>22 discussed earlier that it's the trainer who</p> <p>23 talks as opposed to, for example, pushing a</p> <p>24 button on a video.</p>
<p style="text-align: right;">Page 70</p> <p>1 Corby.</p> <p>2 Q. And were they all supervisors?</p> <p>3 A. Yes.</p> <p>4 Q. And the training that you had on</p> <p>5 sexual abuse and sexual harassment, can you</p> <p>6 describe the type of training? For example, was</p> <p>7 it people who did the training or was it by</p> <p>8 video?</p> <p>9 A. We got a packet of information and</p> <p>10 then we had basically what was sort of like a</p> <p>11 test to test our knowledge on it.</p> <p>12 Q. Okay. And the trainers that you</p> <p>13 described, do they conduct the training?</p> <p>14 A. Yes.</p> <p>15 Q. And so, for example, did they --</p> <p>16 they like spoke? They didn't just push a button</p> <p>17 on a video, they actually talked to you?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. So, I'm going to ask you to</p> <p>20 pull up Berks County 23. And, actually, I</p> <p>21 apologize. I had a couple more questions just</p> <p>22 about the training before I get to this page.</p> <p>23 Do you know if there is a</p> <p>24 PowerPoint at all or any type of thing they</p>	<p style="text-align: right;">Page 72</p> <p>1 A. Uh-huh.</p> <p>2 Q. During that training does the</p> <p>3 trainer also facilitate discussion among the</p> <p>4 people in that room?</p> <p>5 A. Yes. If you're training in a</p> <p>6 group, yes.</p> <p>7 Q. Sort of like a workshop style, if</p> <p>8 you will?</p> <p>9 A. Yes.</p> <p>10 Q. All right. So, now I'm going to</p> <p>11 turn your attention to this document --</p> <p>12 A. Okay.</p> <p>13 Q. -- Berks County 23. You had</p> <p>14 testified earlier that you also received</p> <p>15 training on the different policies and</p> <p>16 procedures. Were you trained on this particular</p> <p>17 policy that's titled Standard Operating</p> <p>18 Procedures and Policies, Chapter: Sexual Abuse</p> <p>19 and Assault, Prevention and Intervention?</p> <p>20 A. Yes.</p> <p>21 Q. And do you recall when you would</p> <p>22 have received that training?</p> <p>23 A. We receive it yearly. I can't</p> <p>24 tell you the date of the last time, but it's a</p>

<p style="text-align: right;">Page 73</p> <p>1 yearly training.</p> <p>2 Q. Okay. So, are you trained that --</p> <p>3 what are you trained with regard to staff</p> <p>4 members and contact with the residents?</p> <p>5 A. We're trained in recognizing the</p> <p>6 warning signs, we're trained in how to prevent</p> <p>7 it, the procedures to take if it were to happen</p> <p>8 and the protocols.</p> <p>9 Q. Okay. So, just as you had</p> <p>10 mentioned warning signs, what would be some</p> <p>11 warning signs?</p> <p>12 A. If someone was giving more</p> <p>13 attention to one resident as opposed to the</p> <p>14 others or bringing in gifts and things for that</p> <p>15 one resident.</p> <p>16 Q. Okay. And that would be a warning</p> <p>17 sign for what specifically?</p> <p>18 A. Special treatment.</p> <p>19 Q. And would it be also a possible</p> <p>20 warning sign for sexual abuse?</p> <p>21 A. I wouldn't say it's a warning sign</p> <p>22 for -- for sexual abuse, but it's a warning sign</p> <p>23 for special treatment and special treatment</p> <p>24 could get you into bigger problems.</p>	<p style="text-align: right;">Page 75</p> <p>1 contact?</p> <p>2 A. Physical contact? There's times</p> <p>3 where we have to pick small children, toddlers</p> <p>4 and babies up, you know. We're only allowed to</p> <p>5 touch residents if it's an emergency. You know,</p> <p>6 if there was an emergency and we need to perform</p> <p>7 CPR or first aid then, yeah, we would have to</p> <p>8 touch them. But if it doesn't warrant an</p> <p>9 emergency, then, no, there wouldn't be any</p> <p>10 physical contact.</p> <p>11 Q. Sure. So, there might be</p> <p>12 situations that would warrant physical contact</p> <p>13 but otherwise it's --</p> <p>14 A. Prohibited.</p> <p>15 Q. -- prohibited?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. So, if you could -- you had</p> <p>18 earlier mentioned, I believe, SAAPI training?</p> <p>19 A. Uh-huh.</p> <p>20 Q. And just explain what you mean by</p> <p>21 SAAPI.</p> <p>22 A. Well, that is sexual abuse/assault</p> <p>23 prevention/intervention.</p> <p>24 Q. Okay. Do you know who the SAAPI</p>
<p style="text-align: right;">Page 74</p> <p>1 Q. Okay. And bigger problems meaning</p> <p>2 what?</p> <p>3 A. Leading into things escalating</p> <p>4 such as sexual abuse.</p> <p>5 Q. Okay. And what are you trained</p> <p>6 with respect to whether or not contact between</p> <p>7 staff members and residents is permitted?</p> <p>8 A. What kind of contact? Like I</p> <p>9 don't understand the question.</p> <p>10 Q. Sure. More specifically a contact</p> <p>11 that might be defined as sexual in nature?</p> <p>12 A. Well, we're not allowed to touch</p> <p>13 them in any way sexually or, you know, rubbing</p> <p>14 someone's shoulder or anything like that.</p> <p>15 Q. Is physical contact prohibited</p> <p>16 generally between staff members and residents?</p> <p>17 A. Yes.</p> <p>18 Q. And specifically I'm talking about</p> <p>19 adult residents?</p> <p>20 A. Yes.</p> <p>21 Q. And is it the same with the</p> <p>22 residents who are children?</p> <p>23 A. Is what the same?</p> <p>24 Q. The prohibition on physical</p>	<p style="text-align: right;">Page 76</p> <p>1 program coordinator is at the facility?</p> <p>2 A. Yes. Supervisors.</p> <p>3 Q. They are all considered to be</p> <p>4 coordinators?</p> <p>5 A. Well, I believe that one may be</p> <p>6 like the head, Mary Beth Campitelli, but I</p> <p>7 believe that they're all trained in it.</p> <p>8 Q. Okay. And you had discussed</p> <p>9 earlier that you were trained in terms of</p> <p>10 warning signs and a few other matters and, I</p> <p>11 apologize, I don't remember exactly what you</p> <p>12 stated, but sort of warning signs and</p> <p>13 recognition of sexual abuse?</p> <p>14 A. Uh-huh.</p> <p>15 Q. So, we discussed warning signs.</p> <p>16 What are some ways that you might be able to</p> <p>17 recognize if there's a situation where there is</p> <p>18 sexual abuse or sexual assault?</p> <p>19 A. If a resident isn't acting their</p> <p>20 normal selves, such as being withdrawn, crying,</p> <p>21 looking depressed, hiding out in their room more</p> <p>22 than usual, not engaging in activities or</p> <p>23 socializing with residents that they have become</p> <p>24 friends with while at the facility.</p>

<p style="text-align: right;">Page 77</p> <p>1 Q. Okay. And what training did you 2 receive to deal with a situation if you observed 3 that? 4 A. We would take that person to 5 language services, ask them if they are having 6 any issues or troubles or, you know, concerns. 7 And, if they are, then we could make a referral 8 to our mental health department. 9 Q. All right. And are you required 10 to report it if you have -- if you have seen 11 those either warning signs or have seen the 12 signs where you think there might be sexual 13 abuse or assault? 14 A. Yes. 15 Q. And who would you report that to? 16 A. I would report it to my supervisor 17 and the medical staff. 18 Q. Okay. And do you know if those 19 reports are kept confidential? 20 A. I'm sorry. We write a lot of 21 reports, so -- 22 Q. The specific report relating to a 23 possible complaint of sexual abuse or sexual 24 assault?</p>	<p style="text-align: right;">Page 79</p> <p>1 BY MS. YEH: 2 Q. Yes. Let's say what training did 3 you receive if you become aware of an individual 4 who has been a victim or possible victim of 5 sexual abuse? 6 A. So, if a resident were to come to 7 me and confide in me and say they were sexually 8 abused, I would make sure to take her directly 9 to medical. I wouldn't let her, you know, 10 shower, do anything, you know, in case of 11 possibly destroying evidence. And then I would 12 alert my supervisor who would alert, you know, 13 all the upper management and ICE and the police. 14 Medical would decide whether they wanted to send 15 her out for, you know, a checkup or a rape kit 16 of some sort. That's really all I would do on 17 my end. 18 Q. Have you ever received a report 19 from a resident about possible sexual abuse or 20 sexual assault? 21 A. No. 22 Q. Have you ever had a resident 23 report something of an urgent matter to you? 24 A. No.</p>
<p style="text-align: right;">Page 78</p> <p>1 A. Yes, that would remain 2 confidential. 3 Q. And do you play any role in the 4 investigation of any of those complaints? 5 A. No. 6 Q. Do you play any role in terms of 7 keeping track or keeping data of any of those 8 complaints? 9 A. No. 10 MR. CONNELL: Are you doing okay? 11 Do you need a break or anything? 12 THE WITNESS: No. I'm fine. 13 BY MS. YEH: 14 Q. Do you need a break at all? 15 A. No. 16 Q. After there has been either report 17 or allegation of sexual abuse, what training did 18 you receive with respect to the person who might 19 be a victim of sexual abuse? 20 MR. CONNELL: Object to the 21 question being vague. You can answer if you 22 understand the question. 23 THE WITNESS: Can you rephrase it 24 one more time?</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. Are you trained to address issues 2 of either a complaint or urgent matter when a 3 resident approaches you? 4 A. Yes. 5 Q. And what training do you receive 6 about the residents who are at the facility, if 7 any? 8 MR. CONNELL: I'm going to object 9 to the question being vague. I mean, in excess 10 of what she has already talked about and all the 11 training she has received? 12 MS. YEH: Yes. 13 BY MS. YEH: 14 Q. Specifically about the population 15 who might be at the facility. Do you learn 16 anything -- before you started did you learn 17 anything in particular about the individuals who 18 might be at the facility? 19 MR. CONNELL: I'm going to object 20 to the question as being vague. You can answer 21 if you understand. I guess I just don't 22 understand how she could be trained about some 23 individual who may or may not appear at the 24 facility at some point in the future. Your</p>

<p style="text-align: right;">Page 81</p> <p>1 question was are you trained on the individuals  2 who will be at the facility.  3 MS. YEH: Right.  4 BY MS. YEH:  5 Q. So, for example, previously you  6 were at the juvenile detention center?  7 A. Uh-huh.  8 Q. I imagine that the individuals  9 housed at the juvenile detention center were  10 different types of individuals in a number of  11 reasons, perhaps age or criminal background than  12 the individuals at the Berks County Residential  13 Center; is that correct?  14 A. Yes.  15 Q. All right. When you started were  16 you provided descriptions of the types of  17 individuals who would be housed at the Berks  18 County Residential Center?  19 A. Yes.  20 Q. And what information did you  21 receive?  22 A. Just, you know, the types of  23 places that they are coming from. You know,  24 like I said earlier, human trafficking, things</p>	<p style="text-align: right;">Page 83</p> <p>1 A. How to conduct myself in a  2 professional manner while I'm at work.  3 - - -  4 (Whereupon, the document was marked  5 as Berks County 29 for identification.)  6 - - -  7 BY MS. YEH:  8 Q. I have just handed you Berks  9 County 29 which on the top just says Topic Area:  10 Code of Ethics.  11 Have you seen this document  12 before?  13 A. Yes.  14 Q. And what is it?  15 A. The ethics that I am to hold while  16 I am an employee at the residential center.  17 Q. Okay. And how often do you  18 receive training on the code of ethics?  19 A. I believe every year.  20 Q. We discussed this a little bit  21 earlier in terms of what is permitted and not  22 permitted between staff as well as residents,  23 but I just want to turn your attention to  24 paragraph 17 on the second page --</p>
<p style="text-align: right;">Page 82</p> <p>1 like that.  2 Q. Okay. And are you made aware that  3 individuals might be coming from other  4 countries, for example?  5 A. Yes. That's the purpose of the  6 facility.  7 Q. Okay. I want to make sure.  8 A. Yes.  9 Q. And, obviously, you know that the  10 people at your facility are people who are  11 coming with children?  12 A. Yes.  13 Q. And are you made aware that they  14 might be coming from countries where there is  15 some type of challenges in the life or  16 difficulty in those countries?  17 A. Yes.  18 Q. Have you heard of any -- you know,  19 aside from what this lawsuit is about, have you  20 heard of any other complaints of either sexual  21 abuse or improper sexual behavior?  22 A. No.  23 Q. And what type of training do you  24 receive on code of ethics?</p>	<p style="text-align: right;">Page 84</p> <p>1 A. Uh-huh.  2 Q. -- which states generally about  3 the juvenile corrections counselor/shelter care  4 counselor being in a supervisory position to the  5 residents, and it discusses the issue of  6 favoritism and becoming overly friendly.  7 Do you -- first of all, do you see  8 that? You do see that paragraph?  9 A. Yes, I see it.  10 Q. Okay. And do you recall getting  11 specific training with regard to this specific  12 point in paragraph 17?  13 A. Yes.  14 Q. Okay. And is that your signature  15 on the bottom?  16 A. Yes.  17 Q. And do you know who signed next to  18 you?  19 A. It looks like Jason Mills.  20 Q. So, he's also the training  21 coordinator? According to this it's the  22 training coordinator, so someone signed there.  23 A. At the time, yes.  24 Q. Okay. And just can you -- we</p>

<p style="text-align: right;">Page 85</p> <p>1 talked a little bit about this, as well. Can</p> <p>2 you just describe generally the practices or</p> <p>3 policies with respect to cross gender</p> <p>4 supervision at the facility? So, more</p> <p>5 specifically, when is a staff member permitted</p> <p>6 to supervise a resident of the opposite gender?</p> <p>7 A. When they are in the common areas.</p> <p>8 Q. Anywhere else?</p> <p>9 A. No. Just -- as far as opposite</p> <p>10 gender goes, just the common areas.</p> <p>11 Q. Can you describe what you mean by</p> <p>12 common areas?</p> <p>13 A. Hallways, dayrooms, medical wing.</p> <p>14 That's it.</p> <p>15 Q. Okay. What about the outside? Is</p> <p>16 that considered a common area?</p> <p>17 A. Yes, that is, as well.</p> <p>18 Q. Okay. And what would be the areas</p> <p>19 that it's not permitted to supervise a resident</p> <p>20 of the opposite gender?</p> <p>21 A. Bedrooms, bathrooms, shower rooms.</p> <p>22 Yeah, I think that's it.</p> <p>23 Q. You mentioned shower rooms. Just</p> <p>24 so we know, where are the shower rooms located?</p>	<p style="text-align: right;">Page 87</p> <p>1 on each side don't have a bathroom in their</p> <p>2 room, so they use that separate bathroom that is</p> <p>3 by the desk. And there are resident bathrooms</p> <p>4 downstairs across from the immigration wing.</p> <p>5 Q. Those bathrooms that are located</p> <p>6 opposite the immigration wing you noted the</p> <p>7 residents can use, right?</p> <p>8 A. Yes.</p> <p>9 Q. Who else is able -- is allowed to</p> <p>10 use -- sorry. Strike that.</p> <p>11 Who else are allowed to use those</p> <p>12 bathrooms that you just referenced?</p> <p>13 A. Only residents.</p> <p>14 Q. If a visitor comes in what</p> <p>15 bathrooms do they use?</p> <p>16 A. In our front lobby we have</p> <p>17 restrooms for visitors.</p> <p>18 Q. And are staff allowed to use the</p> <p>19 bathrooms that you had noted are across the hall</p> <p>20 from the immigration door?</p> <p>21 A. No.</p> <p>22 Q. Are there separate bathrooms for</p> <p>23 the staff?</p> <p>24 A. Yes. There is one down on the</p>
<p style="text-align: right;">Page 86</p> <p>1 A. They are located in a separate</p> <p>2 room. There are no showers in the bedrooms.</p> <p>3 They have to enter a room with showers and there</p> <p>4 are two shower rooms. One for males and one for</p> <p>5 females, and they are on opposite wings.</p> <p>6 Q. So, is one designated for males</p> <p>7 and one designated for females?</p> <p>8 A. Yes.</p> <p>9 Q. And, similarly, can the residents</p> <p>10 use the shower room of the opposite gender?</p> <p>11 A. No.</p> <p>12 Q. So, they must use the showers for</p> <p>13 their specific gender?</p> <p>14 A. Unless they're children, but</p> <p>15 adults, yes.</p> <p>16 Q. And bathrooms you said. Where are</p> <p>17 the bathrooms located?</p> <p>18 A. They have bathrooms in each room.</p> <p>19 Q. Okay. And are there bathrooms</p> <p>20 located elsewhere in the facility?</p> <p>21 A. Yes.</p> <p>22 Q. And where are those?</p> <p>23 A. There is a bathroom on the third</p> <p>24 floor by the desk, because the first two rooms</p>	<p style="text-align: right;">Page 88</p> <p>1 second floor and there are two on the third</p> <p>2 floor.</p> <p>3 Q. Okay. You had mentioned that on</p> <p>4 the third floor there are, I believe, two other</p> <p>5 bathrooms for the residents who are in the front</p> <p>6 rooms?</p> <p>7 A. There is one bathroom --</p> <p>8 Q. Okay.</p> <p>9 A. -- for the rooms that are -- the</p> <p>10 first room on each side of the hallway. They</p> <p>11 don't have their own bathroom in their bedroom,</p> <p>12 so they share that one common bathroom.</p> <p>13 Q. Are they the only people allowed</p> <p>14 to use that bathroom?</p> <p>15 A. Yes.</p> <p>16 Q. Are other residents allowed to use</p> <p>17 that bathroom?</p> <p>18 A. Only the residents that are in</p> <p>19 rooms one and nine.</p> <p>20 Q. Okay. Is a male counselor</p> <p>21 permitted to be alone with a female resident?</p> <p>22 A. No.</p> <p>23 Q. And do you recall if that was the</p> <p>24 case in 2014?</p>

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1 A. Yes. Wait.  
2 Q. So, let's maybe clarify that.  
3 Was -- in 2014 was a male staff member permitted  
4 to be -- to supervise a female resident?  
5 A. No.  
6 Q. Okay. I'm now going to ask you  
7 about **E.D.**. Do you remember her?  
8 A. Vaguely.  
9 Q. And what do you remember about  
10 her?  
11 A. I remember she was a young woman  
12 from Central America. She had a maybe  
13 three-year-old son. She was there for, I don't  
14 know, a few months to a year.  
15 Q. All right. Do you remember when  
16 you first met her?  
17 A. I don't recall our first  
18 interaction, no.  
19 Q. Okay. Do you have a first memory  
20 of her?  
21 A. Nothing that stands out.  
22 Q. Okay. And what do you remember  
23 about her aside from what you just described?  
24 Anything else?

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1 A. I remember her having a very  
2 energetic son who used to hang out with **E.D.**  
3 friend, Patricia, she had two young children, as  
4 well. So, they would all play together.  
5 Q. Was **E.D.** treated any differently  
6 by the staff members there?  
7 A. No.  
8 Q. And what about her son?  
9 A. No.  
10 Q. Was she treated differently by the  
11 other residents?  
12 A. Not that I had witnessed.  
13 Q. And did you know Daniel Sharkey?  
14 A. Yes, I did.  
15 Q. And how did you know him?  
16 A. Through employment.  
17 Q. And do you recall when you first  
18 knew him?  
19 A. I worked in the detention center  
20 with him but I was on the second shift and he  
21 was on first shift. So, I only knew him in  
22 passing.  
23 Q. Okay. And then did you both get  
24 jobs at the Berks County Residential Center

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1 around the same time?  
2 A. No. When the detention center  
3 closed I, in order to save my job, took a  
4 temporary position with the residential center  
5 and he took the layoff.  
6 Q. Okay. Do you recall, then, when  
7 you started working together?  
8 A. I'm not sure when he was rehired,  
9 no.  
10 Q. Okay. Can you describe the -- the  
11 work relationship that you have with him?  
12 A. He was manipulative. His demeanor  
13 wasn't always the very nicest. He created a lot  
14 of stirs between staff.  
15 Q. Can you describe what you mean by  
16 stirs by staff?  
17 A. If he heard someone -- if he heard  
18 a staff complaining about other staff, he would  
19 be the first one to run to that staff and blow  
20 it out of proportion and create friction amongst  
21 each other.  
22 Q. Okay. And how often did that  
23 happen?  
24 A. Pretty regularly.

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1 Q. And you had mentioned he was  
2 manipulative. Can you explain?  
3 A. He would just play staff against  
4 each other.  
5 Q. Do you know if he also played  
6 residents against each other?  
7 A. I don't know personally. I didn't  
8 witness that, no.  
9 Q. Okay. So, you said he would play  
10 staff against each other. Were there any  
11 specific examples that you remember?  
12 A. Yeah. Him and two other coworkers  
13 that had been congregating in the parking lot  
14 taking long breaks and other staff would  
15 complain about it, wondering where they are, why  
16 they weren't on the floor. And I guess he  
17 caught wind of the complaints and he went around  
18 telling the other staff and, you know, it  
19 angered the other staff members. There was a  
20 staff member that didn't like, you know -- there  
21 were three -- there were three of us women that  
22 he basically blamed it on, and then he got  
23 another staff angry at us and he didn't talk to  
24 us for weeks.





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1 Q. And do you remember when this  
2 happened?  
3 A. No, I don't know exactly.  
4 Q. Okay. Do you know if it was  
5 before 2014 by any chance?  
6 A. It was before any incidences with  
7 **E.D.**, but I don't know other than that.  
8 Q. Okay. Were there any other  
9 examples that you can remember?  
10 A. Sure. He had made racist  
11 comments, he had made sexist comments and that  
12 was towards staff.  
13 Q. So, what kinds of racist comments  
14 did he make towards staff?  
15 A. In briefing in front of the whole  
16 shift and the supervisor he told an African  
17 American male staff that he should wash his face  
18 with bleach.  
19 Q. And what happened after he made  
20 that comment?  
21 A. Well, people wrote statements and  
22 then he was put on investigative leave, I guess  
23 you could say, and then he was suspended for two  
24 weeks, I believe.

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1 Q. And did you have to take part in  
2 any type of investigation at all?  
3 A. I only wrote a statement and I met  
4 with Diane and human resources.  
5 Q. Were you present when he made the  
6 comment?  
7 A. Yes.  
8 Q. So, you heard it yourself?  
9 A. Yes.  
10 Q. Were there any other racist  
11 comments that you heard about?  
12 A. Not that I recall.  
13 Q. Okay. You mentioned he also made  
14 sexist comments?  
15 A. Yes.  
16 Q. Can you describe that?  
17 A. I guess it's sexist comments, but  
18 there was a woman who was pregnant and she was  
19 helping to move a bed and another female staff  
20 said, oh, no, don't do that. Let me do it.  
21 You're pregnant. I wouldn't want you to, you  
22 know, jeopardize your child. And his comment  
23 that he thought was funny was, you put your  
24 child at risk when you opened your legs.

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1 Q. And were you present when he --  
2 were you there when he made that comment?  
3 A. Yes.  
4 Q. Did you hear any other sexist  
5 comments?  
6 A. I might have but not that stuck  
7 out like that.  
8 Q. Those two in particular?  
9 A. Those two are the ones that like  
10 you won't forget.  
11 Q. Right. Right. Do you recall him  
12 making any other comments that may be demeaning  
13 about other individuals?  
14 A. Constantly. I mean, he just  
15 always wanted to be the joker. You know what I  
16 mean? The more people that laughed the more he  
17 did it.  
18 Q. And so what kind of jokes did he  
19 make?  
20 A. Inappropriate ones.  
21 Q. Like?  
22 A. Vulgar.  
23 Q. When you say vulgar, were they  
24 like profanity, were they sexual in nature?

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1 What do you mean by that?  
2 A. Profanity, I guess. I mean, the  
3 one with opening your -- putting your child at  
4 risk, I mean, to me that's, you know, sexual and  
5 vulgar and it's inappropriate and it's demeaning  
6 to other staff.  
7 Q. Sure. Sure. And do you know if  
8 other staff members also heard him make these  
9 types of comments?  
10 A. The racist comment, it was our  
11 entire shift that was working that day because  
12 it was in the briefing room where we all meet to  
13 brief with the shift prior, and Len Kopetsky was  
14 the supervisor that day.  
15 The comment about the female staff  
16 was, I believe, in front of two or three other  
17 staff that happened to be around the desk at the  
18 time.  
19 Q. Okay. And what did you do when  
20 you heard that comment?  
21 A. I had told Diane and human  
22 resources about the comment when I met with them  
23 about the racist comment. It all happened  
24 around the same time.



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1 Q. Okay. And had you told anyone  
2 about the other -- you know, you mention that he  
3 would make vulgar comments and jokes. Did you  
4 tell that to anyone else?

5 A. It was usually in front of a group  
6 of people because, like I said, he -- he always  
7 wanted to, you know, be funny. I don't know if  
8 he was trying to impress people or what he was  
9 trying to do, but it wasn't typically by myself.  
10 It was with other staff.

11 Q. Okay. So, other staff were --  
12 also, as far as you know, heard it and were  
13 aware of it?

14 A. Yes.

15 Q. Okay. And do you know -- did you  
16 ever tell any of the supervisors or anyone else  
17 about his -- the other comments that he made,  
18 the vulgar comments or his joking around?

19 A. Yes.

20 Q. And who did you tell?

21 A. My supervisors and Diane Edwards.

22 Q. Was that a separate time from when  
23 you met with him about the race comments or was  
24 that in a previous occasion?

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1 A. They were -- no. Well, yeah, it  
2 was all together at the same time.

3 Q. Before he made the racist comments  
4 had you told anyone about his jokes or comments?

5 A. I don't think it got that bad  
6 until he was suspended for the racist comments.

7 Q. Okay. You had said it hadn't  
8 gotten that bad. Had he made some other  
9 comments prior to the racist comment?

10 A. Here and there, sure, but I don't  
11 know off the top of my head.

12 Q. Okay. Did you see his behavior  
13 change at all after he came back from his  
14 suspension?

15 A. Absolutely.

16 Q. Okay.

17 A. He came back with a vengeance.

18 Q. And when you say vengeance, what  
19 did he do?

20 A. He told me that the entire time he  
21 was on two weeks leave that he sat at the bar  
22 calling the Department of Public Welfare making  
23 claims about how disgusting our facility was,  
24 that there were rodents running around, that,

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1 you know, basically he was trying to shut us  
2 down.

3 Q. And presumably he was not  
4 successful in shutting you down, but do you know  
5 if anything came from his complaints?

6 A. I wouldn't know, but I'm sure that  
7 the agencies have to take it seriously and they  
8 have to look into those things.

9 Q. Okay. And you said he came back  
10 with a vengeance. Did he do or say anything  
11 else?

12 A. He just basically told me that he  
13 wanted to shut the facility down and he wanted  
14 Diane Edwards out of a job.

15 Q. Okay. So, did you see any other  
16 actions that he took or were you aware of any  
17 other actions that he took?

18 A. Not that I recall.

19 Q. Okay. And how did -- were other  
20 staff aware of -- you said he came back with a  
21 vengeance. Were other staff aware of his  
22 attitude?

23 A. I'm not sure. When he told me  
24 that it was just me that was there. So, I don't

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1 know if he was telling other staff the same  
2 things. I don't know.

3 Q. Okay. And what did you do when  
4 you heard him say that?

5 A. I mean, there's nothing I really  
6 could do.

7 Q. Okay. And did you still have to  
8 work with him at that time?

9 A. Yeah. I mean, we didn't work  
10 together in the same area every day. You get  
11 moved around. You work with different people.  
12 So, once in a while, sure, I would work with  
13 him, but generally we get moved around. We get  
14 rotated. We don't work with the same person  
15 every day.

16 Q. Were you on the same shift?

17 A. Yes.

18 Q. Okay. But you were maybe at  
19 different posts it sounds like?

20 A. Yes.

21 Q. All right. And did you ever have  
22 to work on the same floor together after that?

23 A. Yes.

24 Q. And did you have to -- aside from

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1 the time that you were on the same floor did you  
 2 have to interact with him?  
 3 A. Sure. I mean, we had to  
 4 communicate with each other. We were running a  
 5 floor together, you know.  
 6 Q. Okay. So, you know, you testified  
 7 he made these vulgar comments and whatnot. How  
 8 did he deal with the residents?  
 9 A. The ways he would say things came  
 10 across as like sarcastic, his tone, and a lot of  
 11 residents would pick up on it, you know. But I  
 12 don't know if they ever filed any grievances  
 13 about it.  
 14 Q. Okay. And did anything else  
 15 happen at all after he came back from his leave?  
 16 MR. CONNELL: Object to the  
 17 question as being overly broad. Anything else?  
 18 BY MS. YEH:  
 19 Q. With respect to his -- for  
 20 example, you mention that he seemed to have a  
 21 vengeance. Did you see a change in his behavior  
 22 at least towards the residents after he came  
 23 back?  
 24 A. I don't recall.

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1 Q. Okay. Did he have a change of  
 2 behavior with other staff members?  
 3 MR. CONNELL: You mean other than  
 4 what she has already testified to?  
 5 MS. YEH: Yes. She testified, for  
 6 example, that she was alone with him when he  
 7 stated that he came back with a vengeance. So,  
 8 I'm wondering if he was that way with other  
 9 people, as well. It's to her knowledge.  
 10 MR. CONNELL: Well, I think that  
 11 you have already asked her with regards to  
 12 residents. If you are trying to develop some  
 13 sort of employment claim here, I think that  
 14 deposition is left for a better -- for another  
 15 day unless we can discuss how it matters his  
 16 interactions with other staff and how it ties  
 17 into the allegations in this Complaint. I mean,  
 18 it seems like you are dragging on with  
 19 unnecessary questions with regards to  
 20 Mr. Sharkey. We get that -- we established he's  
 21 been convicted of a crime and his interactions  
 22 with residents and his interactions with the  
 23 current deponent. Where are we going with other  
 24 staff?

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1 MS. YEH: I think it is relevant  
 2 just if she observed -- she had earlier  
 3 testified that she observed him making comments  
 4 in front of a number of staff, and then she  
 5 testified this was in front of just her. So, I  
 6 want to know if there were other situations  
 7 where he made other comments after the leave to  
 8 her as well as other people in a larger setting.  
 9 MR. CONNELL: Comments related to  
 10 his interactions with residents or with staff?  
 11 MS. YEH: No. His attitudes or  
 12 comments to staff members. It might be with  
 13 residents or it might not be.  
 14 MR. CONNELL: Ask her to rephrase  
 15 the question.  
 16 THE WITNESS: Can you rephrase the  
 17 question?  
 18 BY MS. YEH:  
 19 Q. After his leave -- first of all,  
 20 you earlier testified --  
 21 A. Uh-huh.  
 22 Q. -- that he came back with a  
 23 vengeance --  
 24 A. Uh-huh.

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1 Q. -- and he made comments to you  
 2 that he wanted to shut down the facility.  
 3 A. Uh-huh.  
 4 Q. Were you aware or did you observe  
 5 him making those comments to other staff members  
 6 if you were present?  
 7 A. No.  
 8 Q. Okay. After his -- or strike  
 9 that.  
 10 Did you ever see Daniel Sharkey  
 11 with **E.D.** ?  
 12 A. Alone, no, but with -- in like a  
 13 group setting, yes.  
 14 Q. Okay. Did you ever see him paying  
 15 attention to **E.D.** ?  
 16 A. Not more than you would pay  
 17 attention to any other resident, no.  
 18 Q. Did you ever see him paying  
 19 attention to Joshua, **E.D.** son?  
 20 A. Like special attention?  
 21 Q. Right.  
 22 A. No.  
 23 Q. And what about to Patricia  
 24 Trochez-Rivera?

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1 A. No.

2 Q. Were there counselors who were

3 friends with Sharkey, as far as you know?

4 A. I mean, I don't know how close of

5 friends. I mean, there were people who would go

6 out, you know, after work as a group, but, you

7 know, to call someone a friend, I mean, that

8 depends on how you view the definition of a

9 friend. I mean, coworkers would get together

10 and go out after work sometimes, but anything

11 further than that I don't know.

12 Q. Okay. And did you socialize with

13 him after work, outside the work context?

14 A. Once in a blue moon, but in a

15 group setting with other coworkers.

16 Q. Okay. Do you know if Sharkey was

17 friends with any of the immigration staff or

18 friendly, however you want to define?

19 A. I don't believe that he was.

20 Q. Did you ever notice if **E.D.** got

21 more dressed up for second shift?

22 A. I had heard that in the morning

23 she would, I mean, do her hair, do her makeup,

24 wear nicer things, yes.

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1 Q. And did you ever see that or did

2 you have an opportunity to see it?

3 A. I never had the opportunity to see

4 it because I was a second shifter. So, when I

5 came in, that's just how she looked all the

6 time.

7 Q. Okay. And did you ever observe

8 staff members sending **E.D.** over to

9 Mr. Sharkey?

10 A. No.

11 Q. Did you hear of any residents

12 asking for besos?

13 A. No.

14 Q. And do you know what besos refers

15 to?

16 A. Kisses.

17 Q. Okay. And, as you are likely

18 aware, this lawsuit is about the -- based on an

19 improper relationship between Daniel Sharkey and

20 **E.D.**. When did you become aware of that?

21 A. After he was put on investigative

22 leave.

23 Q. Okay. And do you remember how you

24 heard about it?

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1 A. I think when I came back to work

2 residents were talking about it, staff were

3 talking about it. Well, they were talking about

4 how there was like an investigation and

5 residents were being interviewed, but I didn't

6 have all the details.

7 Q. Okay. Did you ever get like a

8 formal notice by supervisors or by the facility

9 at all?

10 A. No. Some of us were brought in

11 and questioned by Dave, Diane and human

12 resources, but it was just questioning us on

13 what we knew or what we had maybe seen. They

14 never told us what had, you know, happened or

15 was going on.

16 Q. Okay. And you said you were taken

17 in to be questioned or interviewed by Dave,

18 Diane and HR?

19 A. Yes.

20 Q. Do you remember who the HR person

21 was?

22 A. I don't know her name.

23 Q. Okay. So, it was a female?

24 A. It was a female, yes.

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1 Q. Okay. And during that interview

2 did you make an effort to be truthful during

3 that interview?

4 A. Yes.

5 Q. All right. I'm going to ask you

6 to turn to Berks County 27. Have you ever seen

7 this before?

8 A. Yep.

9 Q. And when did you see it?

10 A. When my lawyer showed it to me.

11 Q. So, I don't want you to discuss

12 anything or tell me anything that you discussed

13 with your lawyer --

14 A. Okay.

15 Q. -- at all. Aside from the time

16 that he showed it to you had you seen it?

17 A. No.

18 Q. Okay. And do you know who wrote

19 this?

20 A. Either Dave or Diane.

21 Q. Do you recognize the handwriting

22 at all?

23 A. I don't know their handwriting,

24 no.



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1 Q. Okay. All right. It looks like  
 2 in terms of -- I'm just going to refer to some  
 3 of the notes here and I know you -- you didn't  
 4 write these note, correct?  
 5 A. No.  
 6 Q. So, you didn't write these notes  
 7 but I'm just going to ask you about it.  
 8 A. Okay.  
 9 Q. The question that's written down  
 10 is sups, which I'm guessing is supervisors on  
 11 the floor or the office, question mark. And  
 12 there's a notation that says what I think reads  
 13 always could be there more. After 8:00 p.m.  
 14 they are in office.  
 15 Do you recall discussing that  
 16 issue at all?  
 17 A. Yeah.  
 18 Q. And do you recall making a  
 19 statement like that?  
 20 A. Sure. I said they could always be  
 21 out more, but after 8:00 -- 8:00 p.m. they tend  
 22 to be in the office more.  
 23 Q. Okay. Do you remember anything  
 24 else about that topic from that interview?

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1 A. No.  
 2 Q. Okay. And then I guess it's a  
 3 couple lines down from that the note says,  
 4 stopped Sharkey in laundry room and says don't  
 5 be stupid, there are no cameras.  
 6 Do you know what that is referring  
 7 to?  
 8 A. Yes, I do.  
 9 Q. Can you describe that?  
 10 A. Dan and I were B1 and B2, I don't  
 11 know respectively who was B1 and B2. I think  
 12 that I was B1 and that I had the logbook, but I  
 13 can't be sure. I was at the desk and I decided  
 14 it was time to do a 15-minute PC or a 15-minute  
 15 sweep. So, I went down the west wing hallway  
 16 doing my sweep and I came to the laundry room  
 17 and I saw Dan at the back wall. His back was  
 18 facing me. He was getting soap out of the  
 19 locked laundry cabinet and **E.D.** was at the  
 20 washing machine putting wash into the washing  
 21 machine.  
 22 Q. Okay. And then what did you do  
 23 when you saw that?  
 24 A. I told him **E.D.** in here. She

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1 shouldn't be in here. There's no cameras. You  
 2 know, don't be stupid. You need to come out or  
 3 she needs to come out.  
 4 Q. So, was it unusual for a male  
 5 staff member to be in there with a female  
 6 resident?  
 7 A. Yes.  
 8 Q. And how did -- what happened after  
 9 you made that comment?  
 10 A. He proceeded out or -- well, she  
 11 came out first, I believe. I don't know. She  
 12 put laundry in and then I guess she came out  
 13 because he had the soap. So, he would have come  
 14 out last because he put the soap in.  
 15 Q. Okay. Did you see any other  
 16 incidences of them in the laundry room together?  
 17 A. That was the only time.  
 18 Q. And is that something that you  
 19 mentioned to anyone else or told anyone else?  
 20 A. No.  
 21 Q. All right. And then -- okay.  
 22 Three lines down from that it notes, I saw his  
 23 Facebook page with snitches get stitches.  
 24 So, did you see his Facebook page?

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1 A. I believe a coworker showed me the  
 2 post.  
 3 Q. Okay. So, I'm just going to refer  
 4 you to Berks County 26. Yeah, that's the one.  
 5 Is that the Facebook post you were  
 6 just referencing, if you remember?  
 7 A. Yes.  
 8 Q. Yes. Did you see it on your own  
 9 at all on Facebook?  
 10 A. No, I did not see it. I had heard  
 11 from a coworker who showed it to me.  
 12 Q. And they had it on their --  
 13 A. Phone.  
 14 Q. -- phone?  
 15 A. Yes.  
 16 Q. And what was your reaction when  
 17 you saw it?  
 18 A. Shocked.  
 19 Q. And why were you shocked?  
 20 A. I thought it was pretty ballsy.  
 21 Q. Of him?  
 22 A. Of him, yeah.  
 23 Q. And why do you say ballsy?  
 24 A. Because he just got put on leave



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1 and he's already in enough trouble. Why would  
 2 you put yourself into any more trouble? You  
 3 obviously knew that people at work were going to  
 4 see this. It's not going to help your case.  
 5 Q. Okay. Did you see the Facebook  
 6 post as threatening at all?  
 7 A. I didn't feel personally  
 8 threatened but I know other staff -- fellow  
 9 staff, they were worried.  
 10 Q. Okay. The next line says Jill and  
 11 Sandy are worried about retaliation.  
 12 Do you remember --  
 13 A. Yes, I do remember.  
 14 Q. Do you remember what you meant by  
 15 that?  
 16 A. They told me they were  
 17 legitimately scared that he would come back to  
 18 the facility and be in the parking lot when we  
 19 left.  
 20 Q. So, they were specifically scared  
 21 about him, Daniel Sharkey?  
 22 A. Yes.  
 23 Q. And, just to clarify, Jill and  
 24 Sandy are other staff members there?

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1 A. Yes.  
 2 Q. And then the last line there says  
 3 is Dan AWOL a lot, question mark. No. Brittany  
 4 said he would disappear.  
 5 Do you remember that topic?  
 6 A. Yes.  
 7 Q. Can you tell me what you remember?  
 8 A. Well, I never experienced him  
 9 abandoning his post and leaving me for long  
 10 periods of time, but Brittany had said that she  
 11 did experience that.  
 12 Q. Okay. After the incidents were  
 13 reported or came to light, if you will, were  
 14 there any changes at the facility in terms of  
 15 policies or procedures?  
 16 A. I don't know off the top of my  
 17 head.  
 18 Q. And Ms. Taylor had earlier  
 19 testified that she recalls the training on  
 20 either sexual abuse or sexual harassment. Do  
 21 you recall something like that?  
 22 A. I don't recall it being changed.  
 23 We were always trained on it.  
 24 Q. Okay. Do you recall there was any

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1 change with respect to the clothing policy for  
 2 the residents?  
 3 A. Yes.  
 4 Q. Okay. And what was that?  
 5 A. It got more specific about what  
 6 was permitted and what was not permitted.  
 7 Q. Can you describe what you mean?  
 8 A. Sure. Tank tops, revealing  
 9 clothes, shirts that are cut too low, short  
 10 shorts, stuff that's way too tight because it's  
 11 too small to wear it to the point where, you  
 12 know, skin is hanging out.  
 13 Q. Those were items that were no  
 14 longer allowed?  
 15 A. I mean --  
 16 MR. CONNELL: I'm going to object  
 17 to the question of being misleading.  
 18 MS. YEH: Okay.  
 19 BY MS. YEH:  
 20 Q. So, can you just explain --  
 21 MR. CONNELL: She testified that  
 22 there was no change at first, and you're  
 23 suggesting that they are things that were  
 24 unallowed.

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1 MS. YEH: Well, she just said  
 2 that --  
 3 MR. CONNELL: There's no evidence  
 4 that this stuff was permitted before.  
 5 MS. YEH: Okay. Well, I'm -- let  
 6 me see if I can --  
 7 MR. CONNELL: Please don't mislead  
 8 the witness, counsel.  
 9 MS. YEH: I'm not misleading the  
 10 witness. If you have an objection I can  
 11 rephrase the question.  
 12 MR. CONNELL: Well, my objection  
 13 is you are misleading my witness. I'm going to  
 14 state it a little more aggressively than I may  
 15 otherwise.  
 16 BY MS. YEH:  
 17 Q. All right. Can you explain what  
 18 you meant by those specific articles of clothing  
 19 when you listed those items?  
 20 A. Those are the things that are not  
 21 permitted.  
 22 Q. Okay. And why did you just list  
 23 those items?  
 24 A. You asked me to go into detail

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1 about the clothing that's not permitted in the  
2 facility.  
3 Q. So, those are specific examples of  
4 items that were not permitted?  
5 A. Yes.  
6 Q. And you said the policy became  
7 more specific?  
8 A. Yes.  
9 Q. Okay. And those were the specific  
10 items that you were naming?  
11 A. Yes.  
12 Q. Okay. And I'm just going to ask  
13 you to turn to Berks County 25.  
14 Have you seen this policy  
15 before --  
16 A. Yes.  
17 Q. -- or this document before?  
18 A. Yes.  
19 Q. And when have you seen it?  
20 A. When it came out. When it went --  
21 when it went into effect and when it was  
22 revised.  
23 Q. Okay. And the date here, it says  
24 effective date. 11/1/2014 for effective date,

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1 and revised date 11/1/2014. Do you recall  
2 receiving the document?  
3 A. Yes. When there's a change to the  
4 standard operating procedure they print it out  
5 for all staff to read and we have to sign off  
6 that we are aware of the change and we  
7 understand the change.  
8 Q. Okay. After this change came into  
9 effect did you observe any differences in the  
10 implementation of this particular policy?  
11 A. No.  
12 MR. CONNELL: Objection to the  
13 question as vague. You can answer if you  
14 understand.  
15 THE WITNESS: No, we didn't  
16 implement it any differently.  
17 BY MS. YEH:  
18 Q. Okay. After the -- there was a  
19 report about the relationship between **E.D.** and  
20 Mr. Sharkey did you see any changes in **E.D.**  
21 behavior at all?  
22 A. Sure. She seemed -- she seemed to  
23 stay in her room more often. She wasn't really  
24 socializing with the other women.

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1 Q. And do you know if the other women  
2 were treating her any differently?  
3 A. Not that I had witnessed.  
4 Q. Okay. Do you know if she was  
5 treated any differently by staff members?  
6 A. Not that I had witnessed.  
7 MS. YEH: Okay. All right. I  
8 think I'm done, but just give me one minute.  
9 - - -  
10 (Whereupon, there was an  
11 off-the-record discussion.)  
12 - - -  
13 MS. YEH: Okay. I have no other  
14 questions.  
15 THE WITNESS: Thank you.  
16 MR. JONES: And I have few  
17 questions. I don't know if you are good to go  
18 or if you would rather take a break now?  
19 THE WITNESS: I'm good.  
20 - - -  
21 EXAMINATION  
22 - - -  
23 BY MR. JONES:  
24 Q. Okay. My name is Landon Jones.

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1 I'm Assistant U.S. Attorney. I represent Josh  
2 Petrey in this matter. Do you know Mr. Petrey?  
3 A. Yes.  
4 Q. And how do you know him?  
5 A. Just through work.  
6 Q. Okay. Do you have occasions to  
7 interact with him in the course of your job?  
8 A. Yes. When he comes out of his  
9 office.  
10 Q. Okay. Can you describe the way in  
11 which he comes out of his office?  
12 A. When he comes out of his office  
13 back in the immigration wing, he typically comes  
14 to the A floor desk on the second floor and will  
15 request to see residents. He will request staff  
16 to locate them or to call up to other areas in  
17 the facility.  
18 Q. And then what does he do once the  
19 resident has been brought to him?  
20 A. He will go in the staff interview  
21 room which is right near the A floor desk and  
22 use the language services phones in there.  
23 Q. Do you know what he does once he's  
24 finished with that meeting?



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1 A. He goes back to his office in the  
2 immigration wing.  
3 Q. Aside from occasions when he may  
4 have asked you to help locate a resident, has he  
5 ever told you how to do your job?  
6 A. No.  
7 Q. Has any ICE employee ever told you  
8 how to do your job aside from something like  
9 that?  
10 A. No.  
11 Q. Was he -- was Mr. Petrey present  
12 when Mr. Sharkey made the racist comment you  
13 described to Miss Yeh?  
14 A. No.  
15 Q. Was he present when he made the  
16 sexist comment that you described to Miss Yeh?  
17 A. No.  
18 Q. Do you ever recall any instance  
19 when Mr. Petrey was present when Mr. Sharkey was  
20 making any kind of vulgar or offensive comment?  
21 A. No.  
22 Q. Did -- strike that.  
23 You mentioned in the course of  
24 your testimony, I think, that sometimes the

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1 counselors would actually play sports or games  
2 with the residents outside?  
3 A. Uh-huh.  
4 Q. Do you recall that?  
5 A. Yes, I recall.  
6 Q. Okay. I think you also mentioned  
7 that sometimes the counselors will eat with the  
8 residents in the dining hall; is that right?  
9 A. Yes.  
10 Q. Okay. Is it -- for someone who  
11 came from a correctional background those types  
12 of policies might strike someone as kind of  
13 non-adversarial. Is that fair to say?  
14 A. I'm not really sure.  
15 Q. Okay. That's all right. It's a  
16 bad question.  
17 Were those policies a change for  
18 you coming from the juvenile detention center?  
19 A. No, 'cause we ate with the  
20 juveniles, as well.  
21 Q. Well, never mind. I'm not going  
22 to -- I'm not going to probe that further.  
23 I think you mentioned earlier that  
24 Mr. -- you were not aware of Mr. Sharkey being

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1 friends or friendly with any of the immigration  
2 officials; was that correct?  
3 A. Correct. I'm not aware that he  
4 was friends with them.  
5 Q. Okay. That includes Mr. Petrey?  
6 You have no reason to believe that Mr. Sharkey  
7 was friends or friendly with Mr. Petrey?  
8 A. No, I don't believe that they  
9 were.  
10 MR. JONES: Okay. I have no  
11 further questions. Thank you very much.  
12 THE WITNESS: You're welcome.  
13 MR. CONNELL: I have a couple  
14 quick questions.  
15 THE WITNESS: Okay.  
16 - - -  
17 EXAMINATION  
18 - - -  
19 BY MR. CONNELL:  
20 Q. Way back at the beginning of the  
21 deposition you were asked to describe the  
22 laundry process, and you described how staff  
23 goes in, obtains the soap, fills the soap, has  
24 access to other items in the laundry room?

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1 A. Yes.  
2 Q. When the staff goes in the laundry  
3 room, do they close the door behind them?  
4 A. No.  
5 Q. Would you get locked in if you did  
6 close the door behind you if it's a self-locking  
7 door?  
8 A. No. It only locks from the  
9 outside.  
10 Q. Is there anything preventing  
11 anybody from walking in behind the staff when  
12 they are in the laundry room?  
13 A. Nothing prevents it and it does  
14 happen, but as a staff you should be aware of  
15 your surroundings.  
16 Q. Okay. So, it's possible that  
17 somebody can walk in on somebody else when they  
18 are in the laundry room?  
19 A. Yes.  
20 Q. On the instant where you saw  
21 Mr. Sharkey in the laundry room and **E.D.** was  
22 in there, as well, do you have any idea whether  
23 **E.D.** walked in on Mr. Sharkey or how that came  
24 about?



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1 A. I don't know who walked in first,  
2 but since he was getting laundry out -- or soap  
3 out of the cabinet I did not know if he knew or  
4 was aware that she possibly could have come in  
5 behind him.  
6 Q. You also were answering questions  
7 about the dining room and you indicated that  
8 residents must eat in the dining room. You  
9 agree that they have food available to them  
10 outside of the dining room?  
11 A. Yes, but provided meals from the  
12 kitchen must be eaten in the dining room.  
13 Anything that's bought on commissary or sent to  
14 them from family members may be eaten out in the  
15 dayroom or in their bedroom.  
16 Q. There is also food available to  
17 them in the dayroom?  
18 A. Yes.  
19 Q. And you indicated that staff eat  
20 with residents in the dining room?  
21 A. Yes.  
22 Q. Do staff eat in one corner and  
23 residents in another corner?  
24 A. No. We are told to sit among the

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1 residents with the residents and spread out.  
2 Q. So, is it unusual at all to see  
3 staff sitting together with residents  
4 intermingling during chow time?  
5 A. No. It is encouraged.  
6 Q. Have you ever used Google  
7 Translate with a resident?  
8 A. Yes.  
9 Q. Have you ever used Google  
10 Translate with a resident of the -- a male  
11 resident?  
12 A. Yes.  
13 Q. Is there anything unusual about  
14 that?  
15 A. No.  
16 Q. Okay. And this is a question I  
17 think -- I don't think it was intended to  
18 mislead you, but I think the way it shows up on  
19 the transcript will be misleading. You were  
20 asked a question in 2014 male staff could not  
21 supervise female residents and you answered yes.  
22 Could male staff supervise female  
23 residents in common areas?  
24 A. In common areas, yes.

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1 Q. Okay. Male staff were not  
2 permitted to supervise female residents in  
3 bedrooms, bathrooms and shower rooms, correct?  
4 A. Correct.  
5 Q. Did you ever see Mr. Sharkey touch  
6 **E.D.** breasts or buttocks at any time?  
7 A. No.  
8 Q. Did you ever see Mr. Sharkey and  
9 **E.D.** kiss at any time?  
10 A. No.  
11 Q. Did you ever see Mr. Sharkey and  
12 **E.D.** hug at any time?  
13 A. No.  
14 MR. CONNELL: That's all the  
15 questions I have.  
16 MS. YEH: Just one clarification  
17 point.  
18 - - -  
19 EXAMINATION  
20 - - -  
21 BY MS. YEH:  
22 Q. With regard to when you saw Mr.  
23 Sharkey and **E.D.** in the laundry room together,  
24 what was **E.D.** doing when you saw -- you had

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1 stated, I believe, that Mr. Sharkey was getting  
2 something from the locked cabinet?  
3 A. Yes, and his back was facing me  
4 and **E.D.** . **E.D.** was behind him putting  
5 laundry into the washing machine.  
6 MS. YEH: Okay. That's all.  
7 MR. CONNELL: Anything else?  
8 MR. JONES: No. No, thank you.  
9 (Witness excused.)  
10 - - -  
11 (Deposition concluded at  
12 approximately 3:26 p.m.)  
13 - - -  
14  
15  
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<div style="text-align: right;">Page 129</div> <div>1</div> <div>2 C E R T I F I C A T E</div> <div>3</div> <div>4</div> <div>5 I HEREBY CERTIFY that the witness</div> <div>6 was duly sworn by me and that the</div> <div>7 deposition is a true record of the</div> <div>8 testimony given by the witness.</div> <div>9</div> <div>10 <i>Sherry L. Stills</i></div> <div>11</div> <div>12 Sherry L. Stills,</div> <div>13 Court Reporter</div> <div>14 Notary Public</div> <div>15 Dated: 7/17/2017</div> <div>16</div> <div>17 (The foregoing certification</div> <div>18 of this transcript does not apply to</div> <div>19 any reproduction of the same by any</div> <div>20 means, unless under the direct</div> <div>21 control and/or supervision of the</div> <div>22 certifying reporter.)</div> <div>23</div> <div>24</div>	<div style="text-align: right;">Page 131</div> <div>1 DEPOSITION ERRATA SHEET</div> <div>2 Page No. ____ Line No. ____ Change</div> <div>3 to: _____</div> <div>4 Reason for change: _____</div> <div>5 Page No. ____ Line No. ____ Change</div> <div>6 to: _____</div> <div>7 Reason for change: _____</div> <div>8 Page No. ____ Line No. ____ Change</div> <div>9 to: _____</div> <div>10 Reason for change: _____</div> <div>11 Page No. ____ Line No. ____ Change</div> <div>12 to: _____</div> <div>13 Reason for change: _____</div> <div>14 Page No. ____ Line No. ____ Change</div> <div>15 to: _____</div> <div>16 Reason for change: _____</div> <div>17 Page No. ____ Line No. ____ Change</div> <div>18 to: _____</div> <div>19 Reason for change: _____</div> <div>20 Page No. ____ Line No. ____ Change</div> <div>21 to: _____</div> <div>22 Reason for change: _____</div> <div>23 SIGNATURE: _____ DATE: _____</div> <div>24 JAMIE HIMMELBERGER</div>
<div style="text-align: right;">Page 130</div> <div>1 DEPOSITION ERRATA SHEET</div> <div>2</div> <div>3</div> <div>4 Our Assignment No. J0611338</div> <div>5 Case Caption: E.D.</div> <div>6 vs. Daniel Sharkey, et al.</div> <div>7</div> <div>8 DECLARATION UNDER PENALTY OF PERJURY</div> <div>9 I declare under penalty of perjury</div> <div>10 that I have read the entire transcript of my</div> <div>11 Deposition taken in the captioned matter or the</div> <div>12 same has been read to me, and the same is true</div> <div>13 and accurate, save and except for changes and/or</div> <div>14 corrections, if any, as indicated by me on the</div> <div>15 DEPOSITION ERRATA SHEET hereof, with the</div> <div>16 understanding that I offer these changes as if</div> <div>17 still under oath.</div> <div>18 Signed on the ____ day of</div> <div>19 _____, 20____.</div> <div>20</div> <div>21 _____</div> <div>22 JAMIE HIMMELBERGER</div> <div>23</div> <div>24</div>	<div style="text-align: right;">Page 132</div> <div>1 DEPOSITION ERRATA SHEET</div> <div>2 Page No. ____ Line No. ____ Change</div> <div>3 to: _____</div> <div>4 Reason for change: _____</div> <div>5 Page No. ____ Line No. ____ Change</div> <div>6 to: _____</div> <div>7 Reason for change: _____</div> <div>8 Page No. ____ Line No. ____ Change</div> <div>9 to: _____</div> <div>10 Reason for change: _____</div> <div>11 Page No. ____ Line No. ____ Change</div> <div>12 to: _____</div> <div>13 Reason for change: _____</div> <div>14 Page No. ____ Line No. ____ Change</div> <div>15 to: _____</div> <div>16 Reason for change: _____</div> <div>17 Page No. ____ Line No. ____ Change</div> <div>18 to: _____</div> <div>19 Reason for change: _____</div> <div>20 Page No. ____ Line No. ____ Change</div> <div>21 to: _____</div> <div>22 Reason for change: _____</div> <div>23 SIGNATURE: _____ DATE: _____</div> <div>24 JAMIE HIMMELBERGER</div>